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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

01 June 2018

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 11 JUNE 2018** at **7.30 pm**.

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', is enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor E L Bamford

COUNCILLORS

J P F Archer
H M Bass
M F L Durham, CC
J V Keyes
D M Sismey
A K M St. Joseph
Miss S White

Ex-officio non-voting Members: Councillor Mrs P A Channer, CC

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 11 JUNE 2018

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 20)

To confirm the Minutes of the meeting of the Committee held on 15 May 2018, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **FUL/MAL/18/00160 - Land South Of The Grange, Herbage Park Road, Woodham Walter, Essex** (Pages 21 - 34)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

6. **FUL/MAL/18/00337 - Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** (Pages 35 - 44)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

7. **FUL/MAL/18/00382 - Electric-King Limited, Old Orchard Barn, Lea Lane, Great Braxted, Essex, CM8 3ER** (Pages 45 - 60)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

8. **LBC/MAL/18/00413 - Stow Maries Aerodrome Hackmans Lane Cold Norton Essex** (Pages 61 - 72)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

9. **OUT/MAL/18/00540 - Land South Of Wheelers Farm, Plains Road, Great Totham** (Pages 73 - 88)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

10. **Any other items of business that the Chairman of the Committee decides are urgent**

Reports for noting:

In accordance with the recent Council decision (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
-

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 9.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)*

* Note the referendum was held on 20 July 2017 and was in favour of the Plan, but the Plan will be made by Maldon District Council in September 2017. In the meantime it is treated as being in effect.

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) and Technical Guidance
- Planning Practice Guidance (PPG)
- Planning policy for traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the Report)

ii) Essex County Council

- Essex Design Guide 1997
- Essex and Southend on Sea Replacement Waste Local Plan

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2015 / 16
- Planning Policy Advice Note (version 4) - October 2015
- Planning Policy Advice Note (version 5) - May 2016
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards Supplementary Planning Document (SPD) - July 2006
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement – 2010
- Woodham Walter Village Design Statement – 2017
- Various Conservation Area Appraisals

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
14 MAY 2018**

PRESENT

Chairman	Councillor Mrs M E Thompson.
Vice-Chairman	Councillor E L Bamford.
Councillors	J P F Archer, H M Bass, M F L Durham, CC, J V Keyes, A K M St. Joseph, Miss S White and Mrs P A Channer, CC
Ex-Officio Non- Voting Member	Councillor Mrs P A Channer, CC.

27. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D M Sismey.

29. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 03 April 2018 be approved and confirmed.

30. DISCLOSURE OF INTEREST

Councillor H M Bass disclosed a personal interest in Agenda Item 5 RES/MAL/17/01474 – Land East of Malone Cottage, Maypole Road, Wickham Bishops, as he lived in the same road.

Councillor P A Channer, CC, declared that she was also a member of Essex County Council and had a non-pecuniary interest in any item relating to highways, access, drainage, and education.

Councillor M F L Durham, CC, declared that he was also a member of Essex County Council and had a non-pecuniary interest in relation to any matter pertaining to that organisation.

31. RES/MAL/17/01474 - LAND EAST OF MALONE COTTAGE, MAYPOLE ROAD, WICKHAM BISHOPS

Application Number	RES/MAL/17/01474
Location	Land East Of Malone Cottage Maypole Road Wickham Bishops
Proposal	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/15/00267 allowed on appeal APP/X1545/W/15/313309 (Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works)
Applicant	Mr Steve Wheelhouse - Moody Homes Ltd
Agent	Mr Mark Morgan - Petro Designs Ltd
Target Decision Date	05.04.2018
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	This Reserved Matters application was deferred from the last North Western Area Planning Committee on 3 April 2018 to address the issue of the proposed footpath

The Officer presented the report to the Committee and drew attention to the Members Update regarding the proposed affordable housing at the site was different to that previously agreed.

Following the Officers presentation, Parish Councillor Stephen Nicolas, Wickham Bishops Parish Council, addressed the Committee.

Members of the Committee voiced disappointment that there was not more housing within Wickham Bishops to accommodate elderly residents, but that their previous concerns relating to a footpath at the end of the gardens had been addressed.

A vote was taken on the Officers recommendation to approve, and was carried with seven votes in favour with one abstaining.

RESOLVED that this application be **APPROVED**, subject to the applicant entering a deed of variation to the legal agreements of the original outline planning permission and the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall accord with that shown on drawings No's 0998/ 01F, 02, 03A, 04, 05D, 07, 08A, 09T, 10C, 11, 13 and 14 which specifically referenced on this decision notice and which forms part this permission.

REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Maldon District Local Development Plan.

- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: In order to ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the Maldon District Local Development Plan.

- 4 All footways should be provided at no less than 2.0m in width.

REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 5 No development shall take place, including any ground works or works of demolition until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Maldon District Local Development Plan.

- 6 Prior to the first occupation of Plot 1 hereby permitted, the first floor window in the south eastern flank elevation serving the en-suite shall be glazed with opaque glass shall be retained as such thereafter.

REASON: To protect the amenity of the neighbouring residential property in accordance with policy D1 of the Maldon District Local Development Plan

- 7 Prior to the first occupation of Plot 14 hereby permitted, the first floor window in the south eastern flank elevation serving the landing shall be glazed with opaque glass shall be retained as such thereafter.

REASON: To protect the recreational area located to the south eastern boundary of the site in accordance with policy D1 of the Maldon District Local Development Plan

- 8 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.

- 9 Prior to any works carried out to the hedge or the removal of the hedge alongside the highway boundary (Maypole Road and Great Totham Road), a method statement setting out measures for the removal, storage and replanting of the hedge shall be submitted to and approved in writing by the Local Planning Authority. Its details shall include the planting of at least 3 hedgerow trees which shall be container grown standard English oaks. This planting scheme shall include the time of planting, the quantity and size of plants, method of planting, mulching, staking etc. and aftercare. The development shall be carried out in accordance with the approved details. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement for it, or in the case of any part of the hedgerow, that part of it, or any part planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or hedgerow plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

REASON: To protect the visual amenity of the area in accordance with Policies D1 and N2 of the Maldon District Local Development Plan.

- 10 Details of the gate entrance hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved and retained as such thereafter.

REASON: To ensure that adequate security is being provided within the site in accordance with Policy D1 of the Maldon District Local Development Plan

32. DET/MAL/17/05142 - MANOR FARM, THE AVENUE, NORTH FAMBRIDGE

Application Number	DET/MAL/17/05142
Location	Manor Farm The Avenue North Fambridge Essex
Proposal	Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 4 - Samples of external surfaces. Condition 5 - Archaeological assessment. Condition 8 - Finished ground and finished floor levels. Condition 12 - On-site construction management plan. Condition 15 - Responsibility of maintenance of surface water drainage system. Condition 16 - Foul water strategy. Condition 18 - Investigation and risk assessment. Condition 25 - Removal of trees & hedgerows. Condition 26 - Siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers. Condition 27 - Ecological mitigation measures. Condition 29 - Wastewater strategy.
Applicant	David Wilson Homes - C/O Agent
Agent	Mr. Andy Butcher - Strutt And Parker
Target Decision Date	6 February 2018
Case Officer	Yee Cheung
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Director of Planning & Regulatory Services' Discretion for the consistency reasons

The Officer presented the report to the Committee, and drew Members attention to the Member's Update which refers to email correspondence between the Officers and Applicant on Conditions 12 and 18.

Following the Officers presentation, Mr Kevin Boden, an objector, Parish Councillor Lindsay Squire, North Fambridge Parish Council, an objector, and Mr Sean Martin, the Applicant, addressed the Committee.

The Development Management Team Leader addressed the Committee, advising that there was an error in the report, in that there was no onsite storage of foul waste. This would be stored at the existing pumping station, which was considered satisfactory by Anglian Water.

Members from North Fambridge Ward raised concerns on access to the site via Crouch Road as part of the Construction Management Plan.

There followed an extensive discussion regarding the disposal of foul waste at the site and the impact this would have on existing and future residents. Members requested that it was noted that comments from Mr Vickery from the Planning Inspectorate supported this view. Members were not satisfied that the addition of a storage tank for

foul waste at the existing pumping station would resolve the current issue, and that it would not address the potential increase in waste disposal.

The Development Management Team Leader confirmed that there had been extensive consultations with Anglian Water, who were satisfied that there was sufficient capacity to handle foul water generated by the development within the existing infrastructure, and that they were satisfied that the addition of 33 cubic meter capacity to the existing pumping station would be sufficient to accommodate the increase in waste. Members were advised that while Anglian Water had recently started using the proposed system for flow control, it was currently being used at around 200 existing sites already.

The Development Management Team Leader pointed out that in Appendix 1, Agenda Item 7, **DET/MAL/17/05154** – Land West of Farnbridge Road, North Farnbridge, correspondence received within the Appendix shows both sites have been jointly considered by Anglian Water Services and the Environment Agency.

Members advised that it was difficult to consider **DET/MAL/17/05154** and **DET/MAL/17/05142** as separate applications when the main concerns are intrinsically linked by use of the same surface/foul water system, and when the statutory authorities consider the sites jointly in their correspondence.

Councillor Miss S White proposed a deferral until Anglian Water had provided further evidence and a written guarantee for the disposal of foul water. This was duly seconded by Councillor J P F Archer.

Councillor Miss S White then proposed a refusal in agreement with the Officers recommendations on conditions 12 and 18, and refusal contrary to the Officers recommendations on conditions 15, 16, and 29. This was duly seconded by Councillor J P F Archer and agreed.

RESOLVED

- (i). that conditions 12, and 18 as imposed on outline planning application OUT/MAL/14/01018 **not be discharged** as per the Officers recommendation.
- (ii). that conditions 15, 16, and 29 as imposed on outline planning application OUT/MAL/14/01018 **not be discharged** as per the reasons detailed above.
- (iii). that conditions 4, 5, 8, 25, 26 and 27 as imposed on outline planning application OUT/MAL/14/01018 **be discharged** as per the Officers recommendation.

33. DET/MAL/17/05154 - LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE

Application Number	DET/MAL/17/05154
Location	Land West Of Fambridge Road North Fambridge Essex
Proposal	<p>Compliance with conditions notification of approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000sqm of flexible commercial and community floor space, a 1.8ha village green and public open space).</p> <p>Condition 5 - Materials. Condition 6 - Treatment boundaries. Condition 8 - Trees. Condition 9 - Hedges. Condition 10 - Ecology Report. Condition 12 - Surface water drainage system. Condition 13 - Foul and surface water drainage system. Condition 14 - Visibility splays. Condition 17 - Surface water. Condition 18 - Finished ground and floor levels. Conditions 19 - On-site construction management plan. Condition 21 - Reptile mitigation strategy. Condition 22 - Mitigation and management strategy. Condition 23 - Archaeological assessment. Condition 24 - Programme of archaeological work. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy.</p>
Applicant	David Wilson Homes - C/O Agent
Agent	Mr Andy Butcher - Strutt And Parker
Target Decision Date	6 February 2018
Case Officer	Yee Cheung 01621 876220
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	<p>Chief Executive Discretion</p> <p>This Discharge of Conditions application was deferred from the last North Western Area Planning Committee - Agenda 6 (3 April 2018) to address Conditions 13, 22 and 33 of outline planning application OUT/MAL/14/01016.</p>

The presentation of the report was given by the Principle Planning Officer.

Following the Officers presentation, Mr Kevin Boden, an objector; Parish Councillor Lindsay Squire, North Fambridge Parish Council, an objector, and Mr Sean Martin, the Applicant, addressed the Committee.

Members advised that it was difficult to consider **DET/MAL/17/05154** and **DET/MAL/17/05142** as separate applications when the main concerns are intrinsically linked by use of the same surface/foul water system, and when the statutory authorities consider the sites jointly in their correspondence.

Concern was raised by Members over the severe lighting of the site. A discussion around the disposal of foul waste from the site took place. Members were not satisfied that the addition of a storage tank for foul waste at the existing pumping station would resolve the current issue, and that it would not address the potential increase in waste disposal. It was considered that tankerage was not an acceptable solution, and that an adequate capacity to handle and dispose of the foul/surface water was available to serve the development had not been demonstrated.

Councillor Miss S White proposed a refusal to discharge conditions 12, 13, 17, 31, and 33 contrary to the Officers recommendation; this was duly seconded by Councillor J P F Archer and agreed.

RESOLVED

- (i). that conditions 12, 13, 17, 31 and 33 as imposed on outline planning application OUT/MAL/14/01018 **not be discharged** as per the reasons detailed above.
- (ii). that conditions 5, 6, 8, 9, 10, 14, 18, 19, 20, 21, 22, 23 and 24 as imposed on outline planning application OUT/MAL/14/01018 **be discharged** as per the Officers recommendation.

34. **FUL/MAL/18/00283 - HORNBEAMS, BLUE MILLS HILL, WICKHAM BISHOPS**

Application Number	FUL/MAL/18/00283
Location	Hornbeams, Blue Mills Hill, Wickham Bishops, Essex, CM8 3LQ
Proposal	Demolition of existing house and detached garage and proposal for replacement dwelling with integrated garage and associated landscape scheme.
Applicant	Mr R Brewster
Agent	Mr Darren Furniss - KTB Architecture
Target Decision Date	07/06/18
Case Officer	Hilary Baldwin 01621 854477
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Major Planning Application Member Call In The item has been called in by Councillor H Bass on the grounds of public interest.

The presentation of the report was given by the Development Management Team Leader.

Councillor Mrs P A Channer left the meeting at 21:09.

Members discussed that the current property on the site had structural and drainage problems, and was also a very dominant house on the street scene. Members considered the design exciting for the district and stated that it was interesting, modern, and a vast improvement to the current building.

A vote was taken on the Officers recommendation to approve the application, and was carried with seven votes in favour.

RESOLVED that this application be **APPROVED**, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall accord with that shown on drawing No's: HRB_CP, HRB_EX00_P_SP, HEB_EX01_P_LGF, HRB_EX02_P_GF, HRB_EX03_P_1F, HRB_EX04_P_2F, HRB_EX06_S_A-A REV A, HRB_EX07_S_B-B REV A, HRB_EX08_E_C-C REV A, RB_EX09_E_DD REV A, HRB_EX10_E_E-E REV A, HRB_EX11_E_F-F REV A, HRB_EX12_E_G-G REV A, HRB_EX13_E_H-H REV A, HRB_EX14_E_GA REV A, MMX 207/1, MMX 207/2, HRB_PR00_P_SP, HRB_PR01_P_B, HRB_PR02_P_LGF, HRB_PR03_P_UGF, HRB_PR04_P_M, HRB_PR05_P_R, HRB_PR06_S_A-A, RB_PR07_S_BB, HRB_PR08_S_C-C, HRB_PR10_S_E-E, HRB_PR11_S_F-F REV A, HRB_PR13_E_H-H REV A, HRB_PR14_E_J-J, HRB_PR15_E_K-K REV A, HRB_PR16_E_L-L, HRB_PR17_E_CY, HRB_SAB, HRB_SAG, HRB_SAL, HRB_SLP, HRB_TS, RB_01.1, RB_01.2, RB_01.3, RB_02.1, RB_02.2, RB_02.3, RB_02.4, RB_03.1, RB_03.2, RB_03.4, RB_04.1, RB_04.2A, RB_04.2B, RB_04.3, RB_04.3, RB_05.1, RB_05.3, RB_06.1, RB_06.2, RB_06.3, RB_07.1, RB_07.2 and RB_07.3.
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. Prior to the commencement of the development hereby approved, samples of all materials to be used in the external elevations of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall only be undertaken using the approved materials.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
4. No development shall take place until full details of both hard and soft landscape works to be carried out including details of a planting implementation scheme, aftercare and maintenance and replacement programme out have been submitted to the Local Planning Authority for approval in writing. The scheme shall also include details of the planting of hedges at the site boundaries. The landscape works shall be carried out in accordance with the approved details with soft landscape works carried out within the first available planting season (October to March inclusive) following the occupation of the dwelling hereby approved.
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development and the provision and guidance of the National Planning Policy Framework.
5. No development shall take place until a scheme for the provision and implementation of a surface water drainage scheme has been submitted to the Local Planning Authority for approval in writing. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the development.

- REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the Maldon District Local Development Plan.
6. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the approved Maldon District Local Development Plan.
7. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no development as specified in Schedule 2, Part 1, Classes A, B, C, D, E or G other than those expressly authorized by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
- REASON: To enable the Local Planning Authority to safeguard the character and visual amenity of the approved dwelling and the area in accordance with policy D1 of the approved Maldon District Local Development Plan, the Maldon District Design Guide and the provisions and guidance as contained within the National Planning Policy Framework.
8. Prior to the first beneficial occupation of the dwelling hereby approved, the driveway and garage parking spaces shown on the approved plans which are attached to and form part of this permission shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme. The parking spaces shall be retained for such purposes at all times thereafter.
- REASON: To ensure appropriate parking is provided in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan.
9. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree survey detailing works required
 - Trees to be retained
 - Tree retention protection plan
 - Tree constraints plan
 - Arboricultural implication assessment
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces)
- The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.
- REASON: To secure the retention of trees within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Maldon District Local Development Plan.
10. No development shall commence until details of existing ground levels and proposed finished ground and floor levels of the dwelling and all outbuildings at the site have been submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and of the area in accordance with policy D1 of the approved Maldon District Local Development Plan.

11. All of the accommodation hereby approved shall only be used as a single dwelling and none of the accommodation shall be occupied as self-contained, independent residential accommodation.

REASON: To ensure that the accommodation remains ancillary to the existing dwelling house and does not create a separate or independent unit in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan.

12. Unless otherwise demolished as part of the construction of the development hereby approved, all parts of the existing dwelling and garage building shall be demolished, with all waste materials removed from the site, within three months of the first occupation of the dwelling hereby approved.

REASON: To ensure that the development is undertaken in accordance with the approved plans and in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan

13. In accordance with recommendations 2, 4, 5, 6, 7, 9, 10 and 11 of the Ecological and Biodiversity Appraisal (MKA Ecology Limited, Version 2, dated 05 February 2018).

REASON: To ensure the conservation interests identified in the report are satisfactorily protected in accordance with policy N2 of the approved Maldon District Local Development Plan.

35. FUL/MAL/18/00288 - 9 THE GLEBE, PURLEIGH

Application Number	FUL/MAL/18/00288
Location	9 The Glebe, Purleigh
Proposal	Installation of a step lift. Raised platform with guardrails, base and landing platform for steplift, concrete path around platform and steplift base. Widening of existing entrance door opening and fitting new entrance door and frame
Applicant	Mrs. Linda Davis
Agent	Mrs. C Dispirito - Maldon District Council
Target Decision Date	15/05/2018
Case Officer	Emma Worby 01621 854477
Parish	PURLEIGH PARISH COUNCIL
Reason for Referral to the Committee / Council	Mrs. C Dispirito - Maldon District Council

Members unanimously agreed to approve the application.

RESOLVED that this application be **APPROVED**, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, Block Plan, EX 1, SK1, SK1 Det. Rev A, ELEV.1 Rev A, ELEV. 2 Rev A.

REASON: To ensure that the development is carried out in accordance with the details as approved.

3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.

REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

36. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

37. ENFORCEMENT UPDATE

Members discussed whether it was possible to format the report so that all cases for a parish appeared together.

The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. Some cases were discussed and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

Members thanked Officers for the report and the progress in cases that were being actioned.

There being no further items of business the Chairman closed the meeting at 9.36 pm.

MRS M E THOMPSON
CHAIRMAN



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
11 JUNE 2018**

Application Number	FUL/MAL/18/00160
Location	Land South Of The Grange Herbage Park Road Woodham Walter Essex
Proposal	Residential development for one detached dwelling
Applicant	The Warren Estate Ltd
Agent	Mr David Wallis - Smart Planning Ltd
Target Decision Date	18.04.2018
Case Officer	Yee Cheung 01621 876220
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Member Call In The planning application has been called in by Cllr Durham on the grounds of public interest and that some of the reasons for objection in consultation responses are not factually correct

1.

RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

This map depicts a rural landscape in Kent, UK, with the following features:

- Topography:** Church Hill is the central elevated area, with a playing field on its western slope. A pond is located in the bottom left corner.
- Settlements and Buildings:**
 - North:** Bannister Cottage, The Bell (PH), GP, and Fort Cottage.
 - West:** Glengarniff, Calderbank, Poldhu, Brooklands, and FB.
 - East:** Woodham, Walter, and St Michael's Church.
 - South:** Church Cottage, Somerville, Church Corner, and Whitegates (containing buildings labeled 1 and 2).
- Infrastructure:**
 - Roads:** Church Hill runs north-south, and Oak Farm Road runs east-west, intersecting at the center.
 - Distances:** 27.7m is marked on Church Hill near the top; 38.1m is marked at the intersection; 41.5m is marked on Oak Farm Road towards the bottom right.
- Scale:** A scale bar at the bottom right shows distances of 0, 0.025, 0.05, and 0.1 km.



3. SUMMARY

3.1 **Proposal**

- 3.1.1 The application relates to an area of land measuring approximately 32 metres deep and on average 26 metres in width located to the south of The Grange (formerly known as Whitegates) to the west of Herbage Park Road outside the settlement boundary of Woodham Walter.
- 3.1.2 The site is bounded by existing vegetation and is free from any built form of development. It forms a part of the wider Nature Conservation Area (NCA) for the Warren Golf Club. The NCA was set up when planning permission was approved for the construction of 26 new timber holiday lodges (planning reference: **FUL/MAL/11/00953** dated 13 September 2012). The purpose of the NCA was to be used for nature conservation management and ecological purposes for the site was also secured by a S106 legal agreement which was signed and dated on 31 July 2012.
- 3.1.3 Planning permission is sought for the construction of a dwelling within the plot. The dwelling measures approximately 12.8 metres in width, 8.1 metres in depth with a height of 9.3 metres to ridge level. At ground floor of the dwellinghouse, a lounge, study / bedroom, a w.c and an open plan kitchen / dining area are proposed. Four bedrooms (one with en-suite) and a family bathroom are proposed at first floor level.
- 3.1.4 In addition to the dwelling, a detached garage is proposed which will be positioned forward and to the side of the dwelling. The garage appears on the illustrative site plan, but not the submitted site layout plan. Full details of the proposed garage have not been submitted and despite officers requesting further details, no floor plans have been provided and only a single elevation of the garage has been submitted. It is therefore the case that it would not be appropriate to approve the development where inadequate information has been provided to clarify the development proposed. However, for the purposes of assessing the proposed development, it is noted that the footprint of the garage is shown to measure 6.6 metres by 8 metres with a ridge height of 6 metres and it is noted that the plans indicate that two parking spaces would be provided. A dormer would be provided to the south elevation, which the applicant has verbally confirmed will provide light only with no intention for the first floor to be used as habitable accommodation. In the absence of plans it is not possible to confirm this, but a condition could be imposed to enforce this. All comments made below with respect to the proposed garage are therefore written on the basis of some assumptions being made in relation to its appearance and scale that have not been adequately clarified by the Applicant.
- 3.1.5 The proposed dwelling would be set back from the highway by about 16.7 metres. An area of hardstanding and turning area is proposed to the front of the building. The pedestrian / vehicular access point to the site would be off Herbage Park Road.
- 3.1.6 It is proposed that the dwelling and garage would be constructed using traditional materials such as facing brickwork, timber cladding, and roof tiles.

3.2 Conclusion

- 3.2.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development at Paragraph 14 and sets out the three strands of sustainable development at Paragraph 7. Also, Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable.
- 3.2.2 The proposal lies outside the settlement boundary of Woodham Walter village and therefore the development would be contrary to Policy S8 of the Maldon District Local Development Plan (LDP). While the development would provide a dwelling, create jobs during the construction of the dwelling and contribute to the economic dimension of sustainability, albeit for a limited period and that the future occupiers of the site would help to support the local services and facilities, it is considered that the concerns relating to the proposal and harmful effects on the character and appearance of the rural area are substantial. It is considered that the benefits arising from the development would not outweigh the environmental harm caused as a result of its negative impact on the rural locality. Therefore proposal would not amount to a sustainable form of development and would not benefit from the presumption in favour of development set out in the NPPF or would it accord with the aims of Policies S1, S2, S8, D1 and H4 of the LDP and the National Policy Practice Guidance.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56-68 Requiring Good Design
- 186-187 Decision-taking
- 196-198 Determining applications

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Essex Design Guide (EDG)
- Car Parking Standards
- Maldon District Design Guide (MDDG)
- Woodham Walter Village Design Statement (Endorsed on 13 June 2017)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 The Local Development Plan (LDP), as approved, has been produced in light of the NPPF's emphasis on sustainable development and Policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.1.3 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development does not include general open market new-build housing.
- 5.1.4 The application site is outside a development boundary and is in the countryside for the purposes of application of the abovementioned planning policies. As such the proposal is in conflict with the approved policies.
- 5.1.5 The Council published its latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2016 / 2017 in September 2017 which demonstrates that a five year housing land supply is available and it is noted that the housing policies of the LDP are up-to-date.
- 5.1.6 The application site lies within a rural area beyond the settlement boundary of Woodham Walter. Whilst the village contains a number of services, access to the village would be via either public footpath at a minimum distance 200m or approximately 300m by way of unlit highway with village services further still. Both routes of access would be unlit. However, Woodham Walter is classed as a smaller village by policy S8 of the LDP which states that such a village contains few or no services and facilities with limited or no access to public transport and very limited employment opportunities. Therefore potential future occupiers would be heavily

reliant upon private vehicles for their day to day needs. The proximity of leisure facilities within the golf club complex are not considered to result in sustainable development.

- 5.1.7 It is considered that the principle of a new dwelling on this plot would be contrary to policy S8 of the LDP and core principles of the NPPF which directs new dwellings to the defined development boundaries in order to promote sustainability and protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Local and national policies aim to achieve sustainable development by balancing development requirements with environmental protection. This balance is done through the preparation of the LDP, which should be viewed as the Council's definition of sustainability. The proposal does not accord with the LDP and is therefore not considered sustainable. Detailed assessment of the character and appearance of the area, highway safety, and impact on residential amenity will be discussed in the report below.

5.2 Housing Need and Mix

- 5.2.1 The proposal would provide a detached four / five bedroom dwelling (open market). Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.2.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50 of the NPPF where it requires local authorities to "*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*" and "*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*". In this instance, the proposed dwelling would fail to assist in meeting the housing shortfall need as set out in the SHMA and Policy H2 of the LDP. The provision of a four / five bedroom dwelling on this plot would not meet the SHMA and policy requirements of Policy H2 of the LDP and therefore any benefits from the proposal in terms of housing provision should be given minimal weight.

5.3 Design and Impact on the Character of the Area

- 5.3.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.

- 5.3.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.3 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the Maldon District Design Guide (MDDG) which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.
- 5.3.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.5 The proposal is for the construction of a detached dwellinghouse and garage with off-street parking and turning area to the front of the property. Based on the Proposed Site Layout Plan submitted (Drawing No: 16.3872/P201 Revision B dated 12 January 2018 on plan), it shows the dwellinghouse to be set back from the highway by about 16.7 metres from Herbage Park Road with an area of hardstanding to the front. To the north east of the site, a detached double garage is proposed and will be positioned perpendicular to the road.
- 5.3.6 Woodham Walter as a village is referred to in the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Characterisation Assessment document as being an Arcadian settlement. It is a typical English Village with outlying groups of settlement; it is distinguished from a Hamlet by the fact that it has its own church and a centre. Being a dispersed rural settlement with a central core, it is categorised as 'Rural in a sparse setting' in Department for Environment Food and Rural Affairs (DEFRA) Rural-Urban Classification for Output Areas in England.
- 5.3.7 The application site lies outside the settlement boundary of Woodham Walter and is bounded by existing vegetation. In the Woodham Walter Village Design Statement (WWVDS), it identifies the application site as Church Corner. Formed at the point where Oak Farm Road and Herbage Park Road converge, Church Corner sits on rising ground adjacent to the Grade II* Elizabethan St Michaels Church, occupying a triangular site fronted by the rendered C19th Church Cottage. In Oak Farm Road are three pairs of mid C20th slate roofed, rendered semi-detached houses with casement windows which are mirrored in Herbage Park Road, which also has a rendered bungalow of the same period.

- 5.3.8 Facing the gable end of Church Cottage is the plain tile roofed, parget rendered Arts and Crafts Whitegates (originally two cottages now known as The Grange). Indigenous hedgerows form most boundaries and views west, and east down to The Wilderness, are constrained by the density and height of hedgerows and trees.
- 5.3.9 Having assessed the dwellinghouse and (as far as possible) the detached garage, it is considered that the proposed built form of development, would be visually prominent in the open rural landscape as shown on the submitted plans thus creating an unwelcome form of development which would materially and adversely encroach onto the rural landscape and significantly detract from the natural beauty, quality and amenity of the countryside. As the site at present is free from any built form of development, it does not comprise of any domestic paraphernalia within the plot that impact on the character and appearance of the area. With the position of the new dwelling and garage, its associated residential paraphernalia, access, boundary treatment, turning area and hardstanding, the development proposal would cause noticeable and demonstrable harm to the rural setting of the site and its immediate surrounding.
- 5.3.10 Having taken into account the above, it is considered that the visual impact of the development on the character and appearance of the site and surroundings would significantly and demonstrably outweigh the benefits of the proposal when assessed against policies S1, D1 and H4 of the Local Development Plan, and Government advice contained within the National Planning Framework. The proposal would also be contrary to the WWVDS which has been endorsed by the Council.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (MDDG, 2017).
- 5.4.2 Taking into consideration the siting of the proposed dwelling, and its relationship to the surrounding area, it is considered that the development would not have a detrimental impact on the amenity of any nearby residential occupiers, by way of overshadowing, overlooking or loss of privacy. In this respect, the proposal would accord with policy D1 of the Local Development Plan, the MDDG and the Government guidance contained within the NPPF.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. The Council's Vehicle Parking Standards state that for four bedrooms or more dwellings, a maximum of three car parking spaces should be provided.
- 5.5.3 Based on the Site Layout Plan submitted, two car parking spaces will be provided in the form of the detached garage. Further off-street parking spaces would be provided within the front of the new build. It is considered that the car parking provision would meet policy requirement contained within policies T2 and D1 of the LDP.
- 5.5.4 With regard to the access point to the site, a letter of representation was received concerning the access point of the development and potentially could result in on-street parking which would result in obstruction to the existing occupiers at Church Corner. The Highway Authority has assessed the submission and raises no objection subject to conditions.

5.6 Private Amenity Space and Landscaping

- 5.6.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for three or more bedroom dwellings at least 100m² of amenity space would be required. This policy requirement is also reflected in Section C07 'Residential Outdoor Amenity' of the Maldon District Design Guide (MDDG). Policy D1 of the Local Development Plan indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.6.2 Based on the Site Layout Plan submitted, it shows that the garden area would be approximately 180m². As the garden size for the proposed dwelling would be in excess of 100m², the proposal would therefore meet the requirements contained within Policy D1 of the LDP, The EDG and the MDDG.

5.7 Other Material Considerations

- 5.7.1 The application site forms a part of the wider Nature Conservation Area (NCA) for the Warren Golf Club. The NCA was set up when planning permission was approved for the construction of 26 new timber holiday lodges (planning reference: 11/00953/FUL dated 13 September 2012). The purpose of the NCA was to be used for nature conservation management and ecological purposes for the site was also secured by a S106 legal agreement which was signed and dated on 31 July 2012. It is important to note that should the application be approved, a deed of variation would be required to amend the S106 legal agreement to exclude the piece of land where this dwellinghouse and garage will be sited upon.
- 5.7.2 The Coast and Countryside Officer has considered the proposal and as the site form a part of the NCA, the development is likely to impact on the Local Wildlife Site, contrary to policies N1 and N2 of the LDP.

- 5.7.3 The Planning Statement accompanying the application states that the site was a former minerals extraction site and as such should be treated as previously developed land, as it has not been restored. The Statement quotes, in part, the definition of PDL provided in the NPPF (2012). The full definition is as follows:

'Previously Developed Land (PDL): Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

- 5.7.4 Aerial photographs from 2000 show this site as being wooded and clearly outside the former working area of The Warren Pit. Similarly, aerial photographs from 2006 and 2014, and Google earth images from 2017 show the application site to be wooded and not a minerals extraction site. Therefore, the site is excluded from the definition of PDL, as it is *'land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'* (NPPF 2012). If the application site was formerly used for mineral extractions then the site should be excluded as it would not the full definition of the PDL.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/01/00120** - Use of gravel pit for recreational purposes (mountain boarding). Approved 24.05.2001.
- **FUL/MAL/02/00462** - Retention of planning permission ref: **FUL/MAL/01/00120** (use of gravel pit for recreational purposes (mountain boarding) without compliance with condition No. 1 to allow the use on a permanent basis). Approved 28.06.2002.
- **FUL/MAL/05/00798** - Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building. Approved 25.01.2006.
- **FUL/MAL/07/01159** - Location of temporary show home for a six month period. Approved 29.11.2007.
- **FUL/MAL/11/00953** - Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park. Approved: 13.09.2012.
- **FUL/MAL/15/00590** - Variation of condition 3 on approved planning permission **FUL/MAL/11/00953** (Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park) Variation: holiday accommodation occupancy period. Variation of condition 2 on approved planning permission. Approved: 21.09.2015

- **FUL/MAL/05/00798** (Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building) Variation: holiday accommodation occupancy period. Approved: 21.09.2015.
- **FUL/MAL/16/01373** - 28 new holiday lodges with associated infrastructure and access. Approved: 08.03.2017

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	<p>The DAS is inaccurate</p> <p>No mention of a bank or changes in site level</p> <p>The development will be significant and detrimental to the area contrary to the WWVDS</p> <p>The access point is not on the opposite side of 10 and 11 Herbage Park Road</p>	<p>The inaccuracy of the DAS has been highlighted to the Applicant on several occasions and should have been amended to reflect the current development proposal</p> <p>The site level rises from the highway and is not mentioned in Applicant's DAS. Should the application be approved, a condition would be imposed to ensure that the site gradient has been taken into account</p> <p>The WWVDS has been referred to in the officer report</p> <p>The access point to the application site is diagonally opposite No. 7 Herbage Park Road, not directly in front of the property</p>

7.2 **Statutory Consultees and Other Organisations** *(summarised)*

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions	Noted in the officer report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No objection subject to conditions relating to surface water drainage, foul drainage and informative to be imposed	Noted. The surface water drainage and foul drainage details can be submitted and approved by the Council should the application be approved
The Coast and Countryside Officer	Object as the proposal is contrary to policies I1, N1, N2 and S8	Noted in the officer report
Tree Officer	The tree report has adequately assessed the quality and impact of the proposal in relation to the trees. Landscaping to be submitted to compensate for the loss of trees.	Noted and will be conditioned should the application be approved.
Planning Policy Team	Object. Site is outside the development boundary contrary to policies S1 and S8 of the LDP. Also not Previously Developed Land	Noted in the officer report under Other Considerations.

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 4 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The application is a lie as the plans originally show 4 dwellings.	Noted. The Site Layout Plan (Drawing No: 16.3872/P201 Revision B dated 12 January 2018) shows one dwelling and garage, and has been assessed with one residential unit on this plot, not 4 dwellings on site.
The road is narrow and site access would be dangerous / Parking will be an issue.	
Impact on wildlife / woodland.	With regard to parking and access point, the Highway Authority has considered this and raises no objection to the proposal.
Increase in crime.	
Loss of view.	The impact on wildlife / woodland has been addressed in Section 5.7 of the officer report.
Devaluing properties.	
The property would result in loss of privacy to The Grange.	Loss of view / devaluing properties / financial gain are not material planning
Financial gain and will not benefit the	

Objection Comment	Officer Response
village. Lack of local amenities. The proposal would set a precedent for further development. Shortage of starter / affordable homes. Noise and disturbance could go on for months.	considerations. In terms of increase in crime, there is no evidence that the construction of one dwelling would contribute to the level of crime to the area and therefore would be unreasonable for the Council to refuse the application for this reason. The proposal would not set a precedent for further development as each case is considered on its own merits and determined against Development Plan Policies. With regard to the shortage of starter / affordable homes, this is addressed in Section 5.2 of the officer report. Noise and disturbance can be controlled by planning conditions should the application be approved.

8. **REASON FOR REFUSAL**

Policies S1 and S8 of the Maldon District LDP seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is in a rural location outside of the defined settlement boundary for Purleigh where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the NPPF. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the LDP to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, as far as can be assessed given the absence of complete and adequate plans, the proposed development would be an unwelcome visual intrusion into an undeveloped part of the countryside, resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. The application site is currently free from any built form of development which has a wholly rural and tranquil feel and makes a positive contribution to the character and appearance of the area. The proposal, if approved, would represent an unacceptable threat to biodiversity and would be detrimental to local wildlife interests in the area. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District LDP, the MDDG, WWVDS (endorsed) and the core planning principles and guidance contained in the NPPF.

INFORMATIVE

The Applicant is advised that any future planning applications for this site should be accompanied with full plans.



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
11 JUNE 2018**

Application Number	FUL/MAL/18/00337
Location	Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex
Proposal	Removal of conditions 2, 3, 4, 5 & 6 on approved planning permission FUL/MAL/16/00306 (Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop)
Applicant	The Trustees - Stow Maries Great War Aerodrome Trust
Agent	TMA Chartered Surveyors
Target Decision Date	26.06.2018
Case Officer	Yee Cheung
Parish	COLD NORTON
Reason for Referral to the Committee / Council	The planning application has been called in by Cllr White on the grounds of public interest

1. RECOMMENDATION

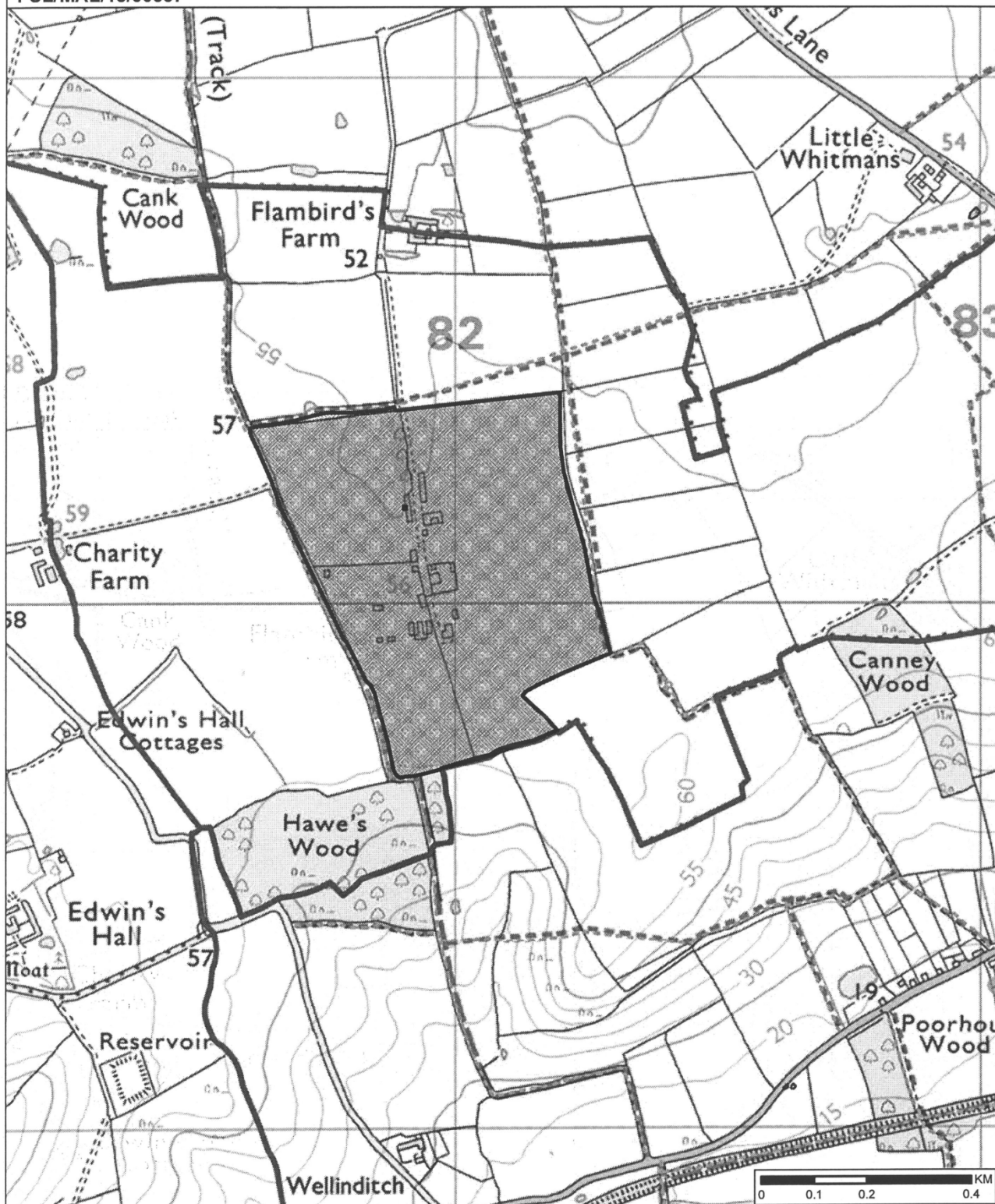
APPROVE with no conditions.


2. SITE MAP

Please see overleaf.

Stow Maries Aerodrome, Hackmans Lane, Cold Norton

FUL/MAL/18/00337



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 18/00337/FUL
	Date:	30/05/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 **Proposal**

- 3.1.1 The Stow Maries Great War Aerodrome (SMGWA) is located off a private track from Hackmans Lane. The aerodrome is understood to be the most complete WWI aerodrome in Europe, and is therefore of outstanding architectural and historic and significance. The site is also a designated conservation area and twenty-four of the surviving buildings are Grade II* listed.
- 3.1.2 The SMGWA was purchased from the previous private owners in 2013 with funding from the National Heritage Memorial Fund and other local and national government sources. The site is now under the custodianship of Stow Maries Great War Aerodrome Trust and is open to the general public where it runs as a charitable and educational establishment.
- 3.1.3 Planning permission was granted on 20 June 2016 for the change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum and museum shop subject to conditions in relation to contamination and sewage treatment details to be submitted to and approved by the Council (Conditions 2, 3, 4, 5 and 6). The planning conditions to be removed by this planning application are as follows:-

CONDITION 2

Notwithstanding the details submitted with this application, within three months of the date of this decision, an investigation and risk assessment shall be submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) *a survey of extent, scale and nature of contamination;*
- (ii) *an assessment of the potential risks to:*
 - Human health,*
 - Properly (existing or proposed) including buildings, crops, livestock, pets,*
 - woodland and service lines and pipes,*
 - Adjoining land,*
 - Groundwaters and surface waters,*
 - Ecological systems*
 - Archaeological sites and ancient monuments;*
- (iii) *an appraisal of remedial options, and proposal of the preferred option(s).*

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

CONDITION 3

In pursuant of Condition 3, within three months of the date of this decision, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

CONDITION 4

The approved remediation scheme must be carried out in accordance with its terms within three months of the date of this decision by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

CONDITION 5

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 2.00, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 3.00. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

CONDITION 6

Within three months of the date of this decision, full details of the proposed sewage treatment plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be retained as such thereafter.

- 3.1.4 Planning permission seeks to remove planning conditions 2, 3, 4, 5 and 6 imposed on planning application **FUL/MAL/16/00306** for the change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum and museum shop. The conditions imposed were related to contamination and sewage treatment for the site and the Applicant has provided information in support for the removal of these conditions.

3.2 Conclusion

- 3.2.1 Planning permission seeks to remove planning conditions imposed on planning application **FUL/MAL/16/00306** for the change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum and museum shop in relation to contamination and sewage treatment. The Environmental Health Services has assessed the submitted details and advised that conditions 2, 3, 4, 5 and 6 are not necessary and therefore can be removed. In this respect, the proposal would accord with policy D2 of the Maldon District Local Development Plan (LDP) and Government advice contained in the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 9, 14, 17, 120, 121

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- S1 - Sustainable Development.
- S8 - Settlement Boundaries and the Countryside.
- D1 - Design Quality and Built Environment.
- D2 - Climate Change & Environmental Impact of New Development
- D3 - Conservation and Heritage Assets.
- E5 - Tourism.

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site is located outside of the settlement boundary where the general principle of development is not acceptable. However, the proposal relates to an existing use of the land and surrounding area which is known as the Stow Maries Aerodrome. As explained in Paragraph 3.1.1 in the above report, the Council recognises that the aerodrome provides an important feature for tourism in the district and the current proposal would enable the existing tourist facilities to continue working in accordance with Policy E5 of the LDP. The planning application seeks the removal of planning conditions imposed on **FUL/MAL/16/00306** and not reassessing the impact of the development.
- 5.1.2 Having considered the nature of the site and previous uses of the buildings within the complex, it is important to minimise all forms of possible pollution. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate mitigation measures. This will be discussed in the report below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The location of the site outside of a defined settlement means that it is essential for any new development to protect and enhance the character and appearance of the district's landscape in accordance with Policies S1 and S8 of the LDP. Policy D1 of the LDP requires any new development to respect and enhance the character and local context and make a positive contribution, the list of criteria includes, amongst other things, (a) architectural style, use of materials, detailed design features and construction methods; (b) Height, size, scale, form, massing and proportion; and (e) historic environment particularly in relation to designated and non-designated heritage assets.
- 5.2.2 The removal of planning conditions imposed on **FUL/MAL/16/00306** would not affect the external appearance of the building which is now a museum and museum shop. Therefore the application would accord with policies D1 and D3 of the LDP.

5.3 Effect upon Character / Appearance of Conservation Area

- 5.3.1 The entire site of the aerodrome is designated as a conservation area. It is therefore, essential to ensure that any new development, whether of a permanent or temporary nature, protects or enhances the special interest of the conservation area. Policy D3 of the LDP sets requirements in aiming to protect conservation areas as a form of heritage asset and the NPPF equally seeks to protect heritage assets, recognising the importance of their designation.
- 5.3.2 As detailed above, the planning application seeks to remove planning conditions imposed on **FUL/MAL/16/00306** and would not affect the external appearance of the building which is now a museum and museum shop, or the conservation area. Therefore the application would accord with policy D3 of the LDP and Government advice contained in the NPPF.

5.4 Contamination and Sewage

- 5.4.1 Planning permission seeks to remove planning conditions 2, 3, 4, 5 and 6 imposed on approved planning permission **FUL/MAL/16/00306** for the change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. The conditions requiring to contamination and sewage details to be submitted to the Council were suggested by the Environmental Health Services as the use of the workshops were previously used as a garage for motor vehicle repairs. For health and safety reasons, it was important that such conditions were imposed at the time to ensure that the change of use of the buildings would protect and not affect the health and well-being of the general public in accordance with policy D2 of the LDP.
- 5.4.2 As part of the application submission, the Applicant stated that *'no new buildings or development work were proposed and no contamination (or any risk of any contamination whatsoever) existed. There was not any possible risk of any contamination from the previous clean use of the buildings. A survey of the extent, scale and nature of any contamination would have been fruitless since the previous high tech use was by definition "clean". There could not have been any actual or potential risk to human health.'* Therefore the Applicant considers that condition 2 should be removed.
- 5.4.3 For condition 3, the Applicant states that *'the previous clean use of the site was such that there was no requirement for a detailed remediation scheme to bring the building to a condition suitable for the use as museum and museum shop. The building was clean and on any assessment would not have required any additional form of cleansing or remediation'*. Therefore the Applicant considers that condition 3 should be removed. Similarly Due to the previous clean use of the building, condition 4 in relation to remediation of the site would not be required. The Applicant considers that Condition 4 would not be applicable and therefore should be removed.
- 5.4.4 As no remediation schemes were required and no contamination was found on site, condition 5 would not be necessary and therefore should be removed.
- 5.4.5 In relation to condition 6, the Applicant states that *'the sewage treatment would be as existing which has served this building and the remainder of the aerodrome site for many years.'* No alterations to the system were required when the use of the building became a museum and museum shop. The previously existing system continues to function satisfactorily on site. In this instance, condition 6 should be removed.
- 5.4.6 The Environmental Health Services has assessed this application and has advised on the following:-

Condition 2 related to a general site investigation for potential contamination. This condition then usually leads in to the triggering of subsequent conditions (3-4), whilst condition 5 is effectively a "discovery strategy" which can be seen to almost stand alone and is active throughout any potential works undertaken as part of the permission.

With condition 2, there are instances where this is appropriate for such "development". A Phase 1 Survey is effectively a minimum in most cases which will include detail of a site walkover and historical consideration of activities in the

buildings, storage of chemicals, any spillage incidents, etc. The Applicant has now advised of the "clean" nature of activities undertaken in the buildings under the previous use. In the light of the additional information and assurances provided by the Applicant with this application, the Environmental Health Services is satisfied that condition 2 can be removed.

Given that condition 2 can be removed, conditions 3 and 4 are also no longer necessary.

Condition 5, as advised above, can follow on from 2-4, but likewise can also be triggered during works even where condition 2-4 have not been applicable or present. This 2018 application is now a retrospective one, and the Applicant has advised that no contamination was found. Consequently, condition 5 may also be removed.

- 5.4.7 With regard to the sewage treatment / foul drainage system to be used is that which was already in use and operable on site with no changes. Based on this additional information, the Environmental Health Services is satisfied that condition 6 is no longer necessary.

5.5 Conclusion

- 5.5.1 Based on the details submitted which accompanied this application and the specialist advice from the Environmental Health Services, it is considered that planning conditions 2, 3, 4, 5 and 6 of **FUL/MAL/16/00306** can be removed as there would be no contamination or pollution risks arising from the use of the building. Therefore, the planning application would accord with condition D2 of the LDP and Government advice contained within the NPPF.

6 Relevant Site History

- **FUL/MAL/09/00050** – Change of use of Buildings 3 & 4 to workshop and ancillary office accommodation (B1 use). Approved 27.05.09.
- **FUL/MAL/09/00237** – Emergency services access way. Approved: 22.05.2009.
- **FUL/MAL/09/00239** – Renovation of building 15 for visitor centre & museum including re-roofing. Approved: 26.03.2009.
- **FUL/MAL/09/00250** – Re-instatement of airfield and erection of aircraft hanger. Approved: 15.06.2009.
- **CON/MAL/09/00251** – Demolition of dwelling and grain store in order to erect 2 no. aircraft hangers. Approved: 22.05.2009.
- **FUL/MAL/09/00252** – Conversion of former MT building and cart shed to B1 business use and model flying club accommodation. Approved: 29.05.2009.
- **FUL/MAL/09/00300** – Proposed Aircraft Hanger. Approved: 12.06.2009.
- **FUL/MAL/09/00413** - Construction of 3 ponds and related access-ways. Approved: 10.07.2009.
- **FUL/MAL/09/00696** - Renovation of former pilots ready rooms and erection of 2no. wind socks. Approved: 06.10.2009.
- **FUL/MAL/09/00699** - New and replacement huts for WW1 Museum. Approved: 06.10.2009.

- **FUL/MAL/11/00429** - Erection of temporary aircraft hangar. Approved: 28.09.2011.
- **FUL/MAL/14/00574** - Retrospective application for erection of temporary hangar (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014.
- **LBC/MAL/14/00575** - Retrospective application for erection of temporary hangar (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014.
- **LBC/MAL/15/00830** - Proposed alterations to reinstate the existing brick pier to the West elevation of the MT shed to match the existing adjacent exactly and to install additional wind bracing to the metal rafters of the MT shed to provide lateral support to the roof and the gable walls. Proposed reinstatement of existing slate cat-slide roof to the South end of the West elevation of the RE workshop. Approved: 09.11.2015.
- **LBC/MAL/15/00832** - Proposed works for the careful demolition of the existing non-original timber framed and corrugated iron clad cart lodge to the North of the MT Shed. Approved: 09.11.2015.
- **FUL/MAL/16/00306** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- **LBC/MAL/16/00307** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016.
- **FUL/MAL16/01142** –Planning application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days. Refused: 27.07.2017.
- **LBC/MAL/16/01143** - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Pending Consideration.
- **LBC/MAL/16/01155** - Proposed works to the existing officers mess building to carefully remove the existing decayed asbestos roof covering and replace with a profiled cement fibre board to match the existing profile: works to the south elevation to infill existing enlarged openings to install new doors, windows and entrance canopy to reinstate the facade to the original appearance. Approved: 20.12.2016.
- **FUL/MAL/17/01071** - Variation of conditions 13 & 14 on approved planning permission
- **FUL/MAL/09/00250** (Re-instatement of airfield and erection of 2 no. aircraft hangers to match former buildings on site). Pending consideration.
- **FUL/MAL/17/01120** - Retention of temporary hanger for display, storage and maintenance of historic aircraft. Approved: 10.01.2018.
- **LBC/MAL/17/01121** - Retention of temporary hanger for display, storage and maintenance of historic aircraft. Grant Listed Building Consent: 10.01.2018.

- **FUL/MAL/17/01456** - Proposed change of use from vacant building to B1 office use, Stabilisation works, replacement metal framed windows and demolition of existing non-original timber framed extension. Approved: 13.02.2018.
- **LBC/MAL/17/01457** - Proposed change of use from vacant building to B1 office use, Stabilisation works, replacement metal framed windows and demolition of existing non-original timber framed extension. Grant Listed Building Consent: 13.02.2018.
- **FUL/MAL/18/00413** - Structural stabilisation works to buildings 29, 31, 32, 33, 33A and 34 replacement and repair of existing timber windows and doors. Pending consideration.

6. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

6.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Cold Norton Parish Council	No comment on this planning application	Noted
Stow Maries Parish Council	No comments received at the time of writing this report	Noted

6.2 **Internal Consultees (*summarised*)**

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services (EHS)	No objection to the removal of conditions 2, 3, 4, 5 and 6	Noted in the officer report

6.3 **Representations received from Interested Parties (*summarised*)**

6.3.1 No letters of representation have been received at the time of writing this report

7. **PROPOSED CONDITIONS**

No conditions to be imposed.



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
NORTH WESTERN AREA PLANNING COMMITTEE
11 June 2018

Application Number	FUL/MAL/18/00382
Location	Electric-King Limited, Old Orchard Barn, Lea Lane, Great Braxted, Essex, CM8 3ER
Proposal	Section 73A application for change of use of redundant agricultural building to light industrial (use class B1) use.
Applicant	Mr Robert King
Agent	-
Target Decision Date	11.06.2018
Case Officer	Spyros Mouratidis
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Member Call In by Councillor John V Keyes – The Councillor and others have information about the site.

1. RECOMMENDATION

APPROVE subject to conditions as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Electric-King Limited, Old Orchard Barn, Lea Lane, Great Braxted
FUL/MAL/18/00382



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 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:4,000

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 18/00382/FUL

Date: 30/05/2018

MSA Number: 100018588

3. SUMMARY

3.1. Proposal

- 3.1.1. The application site lies to the north-east of Lea Lane, approximately 1,400m from the village of Wickham Bishops and outside of any defined development boundary. The surrounding area is open and verdant in nature, with hedgerows marking the boundaries of the fields and only scattered development in the vicinity. Access to the site is achieved via a track road off Lea Lane, shared with Broomfield Farm. The track gives access to West Hall Wood complex, a local wildlife site and ancient woodland. The application site is occupied by a single-storey barn. The building is part of the cluster of agricultural buildings under the same ownership behind Broomfield Farm house. The building appears to be of traditional construction in part. There are brick walls which partially have been rendered to the front. The roof is made of asbestos.
- 3.1.2. Planning permission is sought for the change of use of the building from agricultural to a light industrial use falling within use class B1. The development has already commenced on site and as such the application has been submitted under the provisions of Section 73A of the 1990 Act, namely is retrospective in nature. The change of use incorporated internal layout alterations as well as external alterations to the elevations of the building. The external alterations include the insertion of two windows to the rear (north-east) elevation, one window to side (north-west) elevation and the alteration of a door to a window at the front (south-west) elevation. The internal layout includes a storage area, a workshop, an office area with a washroom and a mess/staff room.

3.2. Conclusion

- 3.2.1. It is not considered that the harm identified from some aspects of the development is detrimental to such a degree as to warrant the refusal of the application. The development has resulted in an employment use which, subject to conditions, is not materially harmful to the locality, the adjoining properties or highway safety and ensures the use of an agricultural building that would otherwise be derelict. As such, the development is in line with the stipulations of policies S1, S8, D1, D2, E1, E4, H4, N2, T1 and T2 of the approved Maldon District Local Development Plan and the national policy and guidance contained within the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1. National Planning Policy Framework 2012 including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 18-22 Building a strong, competitive economy
- 28 Supporting a prosperous rural economy
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 186-187 Decision-taking

- 196-198 Determining applications

4.2. Maldon District Local Development Plan approved by the Secretary of State:

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement boundaries and the Countryside
- D1 Design quality and built environment
- D2 Climate change and environmental impact of new development
- E1 Employment
- E4 Agricultural and Rural Diversification
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3. Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (MDVPS)

5. MAIN CONSIDERATIONS

5.1. Principle of Development

5.1.1. The application site lies outside of any defined development boundary where policies of restriction apply. However, the building is already on site and was erected as an agricultural building. The NPPF encourages Local Planning Authorities (LPAs) to promote a strong rural economy through, among others, the diversification of agricultural businesses. Furthermore, the NPPF urges LPAs to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

5.1.2. Policy E1 of the approved Local Development Plan (LDP) states that:

“The Council will support and encourage the development of better quality and flexible local employment space to meet the employment target, including live work accommodation in both urban and rural areas (in accordance with other policies in this Plan). All new employment space should seek to meet the needs of local businesses and attract inward investment. [...]Outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations.”

5.1.3. As stated within the preamble of policy E4 of the approved LDP, the Council recognises that the District’s economic functions are not only based on formally allocated employment sites but also through employment activities that occur on farm conversions and similar rural sites which provide relatively lower cost accommodation and encourage local entrepreneurial activity. Policy E4 sets six criteria for conversions and states:

“The Council will support the change of use of existing rural buildings to other employment generation uses if it can be demonstrated that:

- a) There is a justifiable and functional need for the proposal;*
- b) It will contribute to the viability of the agricultural business as a whole;*
- c) Any development respects the building’s historic or architectural significance;*
- d) Any development will not negatively impact upon wildlife and the natural environment;*
- e) No storage of raw materials or finished goods is to take place outside the building if it would be detrimental to the visual amenity of the area; and*
- f) The use of the building would not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages.”*

- 5.1.4. With regard to criterion (a), it has not been demonstrated that there is a justifiable and functional need for the proposal. Nevertheless, from the Valuation Office Agency’s report it appears that a business has operated from this site since 2013 and from the submitted supporting representations that the business has a number of customers. Therefore, criterion (a) is partially met as there is a functional need for the business to operate from somewhere. Criterion (b) cannot be met as there is no agricultural business that the use will contribute to.
- 5.1.5. In relation to criterion (c), the building is of limited historic or architectural significance. In any case the proposed alterations are limited. As such this criterion is met. Further consideration about the external alterations to the building and their impact upon the character and appearance of the area will be given in the following sections of this report. Criterion (d) refers to the impact upon the natural environment and the wildlife. Given that the use is already taken place for some time, the impact of the development is limited. Further consideration about the impact of the development upon the natural environment and the local wildlife will be given in the following sections of this report.
- 5.1.6. Criterion (e) refers to a matter that could potentially be controlled with a condition if planning permission would be granted. Criterion (f) is considered to be met as the scale of the business that can be accommodated to this building is highly unlikely to lead to detrimental dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages.
- 5.1.7. Bearing in mind the above analysis, while the development would not meet all the criteria of policy E4 of the LDP, the support towards businesses in rural areas is prominent within the LDP and the NPPF. Furthermore, the development is for the use of a building which would otherwise remain empty and derelict. Finally, it should be noted that the General Permitted Development Order 2015 as amended allows the change of use of agricultural buildings to employment generating uses, including use class B1. While, a prior approval for this change of use would fail because the use is already taking place, the main thrust of the national and government policy is to encourage the change of use of agricultural buildings to employment uses. This is a consideration that outweighs the fact that the development would not meet all the criteria set in policy E4 of the LDP. Thus the principle of the development is acceptable. Other material planning considerations are discussed in the following sections of the report.

5.2. Design and Impact on the Character of the Area

5.2.1. The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.2.2. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

5.2.3. This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.2.4. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).

5.2.5. The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.6. Policy E1 of the LDP states that design is one of the considerations if new provision for employment space or the expansion of existing employment areas is proposed outside the designated employment allocations. In addition policy E4 of the LDP, refers to the impact of the development upon the character of the building, the natural environment and the visual amenity of the area.

- 5.2.7. The building is of limited architectural merit and as such the proposed alterations would not detrimentally impact upon its historic or architectural significance. Moreover, the building will not be expanded or increased in footprint or in scale. The introduction of the fenestration does not look out of place to a degree that would render the scheme unacceptable. While the inconsistent treatment of the external surfaces creates the appearance of a derelict building, it is noted that this was how the building was left before the use commenced. It would be unreasonable for the LPA to intervene in order to achieve a consistent treatment of the external surfaces of the building.
- 5.2.8. With regard to the external storage of materials and items, given the open nature of the land it would have the potential to cause harm upon the character and appearance of the area. Therefore, a condition to require any storage of materials and other items to be carried out only inside the building is considered to meet the six tests of the national policy. Given that the site lies within the countryside, a condition to control any external illumination will also meet the six test of the national guidance and would protect the character and appearance of the area.
- 5.2.9. Overall, subject to the above mentioned conditions, the development is acceptable in terms of its design, scale, layout and its impact upon the character and appearance of the area in line with the relevant local and national policies.

5.3. Impact on Residential Amenity

- 5.3.1. The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.3.2. The nearest dwelling to the application site is the Broomfield Farm house, some 43m to the south of the building on site. Given the distance between the two buildings and the nature of the alterations to the building on site, the development has not caused any harm upon the amenity of the neighbouring occupiers in terms of overlooking, overshadowing or overpowering. Furthermore, a B1 use, subject to appropriately worded conditions to limit the hours of operations and the external lighting of the site, is unlikely to cause any impact upon the residential amenity of the neighbouring occupiers in relation to any type of pollution.
- 5.3.3. Subject to conditions about the hours of operations and the external lighting of the application site, the development is not considered to be detrimental to the residential amenity of the neighbouring occupiers. The B1 use class is intended to include uses that are compatible with residential uses. Any future use of the site, if planning permission is granted for this application, will need to fall within the use class B1. In any other case planning permission will be required. Therefore, any future use of the building for a B1 use will not be likely to detrimentally impact on residential amenity.

5.4. Access, Parking and Highway Safety

- 5.4.1. Policy T1 of the approved LDP seeks to secure provision of sustainable transport in new development and policy T2 pursues to create and maintain an accessible environment, requiring development proposals to:

- 1) Be located where there is physical and environmental capacity to accommodate the type and amount of traffic generated, or locations where the impact can be suitably mitigated;
- 2) Provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate;
- 3) Improve accessibility to the countryside and the natural environment and to enhance and protect the provision of Public Rights of Way;
- 4) Improve accessibility to buildings, streets and public spaces, particularly for those with mobility impairments;
- 5) Provide sufficient parking facilities having regard to the Council's adopted parking standards;
- 6) Provide sufficient and safe access to service and emergency vehicles; and
- 7) Give appropriate consideration to encourage a people-oriented space within the development.

5.4.2. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.4.3. The Council's adopted Vehicle Parking Standards state that for a B1 use one space is required for every 30m² of the use. The building on site occupies an area of approximately 81.1m² and thus, three spaces are required. The block plans shows four parking spaces and as such the parking requirement is easily accommodated within the application site. Furthermore, there is ample turning space within the site and the access arrangements have not been altered as a result of this proposal.

5.4.4. The current use on the site does not require the use of Heavy Goods Vehicles (HGVs). The nature of a B1 use is such that it is highly unlikely that the use of HGVs would be required by any future occupier of the site. Given that the track road leading from Lea Lane to the building on site is also a public footpath which leads to the West Hall Wood, in the unlikely event that a B1 use requires the use of HGVs, this could have detrimental and demonstrable harm upon the highway safety and the use of the footpath. The Highway Authority has not objected to the development but raised the attention of the LPA to the footpath. The use of an appropriately worded condition to limit the deliveries to or collections from the site to be only with non-HGVs or vehicles not exceeding 3,500kg of Maximum Authorised Mass (MAM) would be in line with the national guidance about the use of conditions and would adequately address this matter. A condition about having on-site parking would also meet the national tests.

5.4.5. Subject to the above mentioned conditions, the change of use is acceptable in terms of access, parking and highway safety.

5.5. Employment

- 5.5.1. As already mentioned in the previous sections of this report, the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Policy E1 of the approved LDP supports and encourages the development of better quality and flexible local employment space to meet the employment target for the district.
- 5.5.2. The development is in line with the above national and local policy stipulations. The change of use is to an employment space, which will provide employment opportunities for two full-time and two part-time staff. This appears to have created additional employment within the district. The development, subject to appropriately worded conditions and as per the previous analysis, will not be in conflict with other policies of the approved LDP or the NPPF.

5.6. Impact on the natural environment

- 5.6.1. Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, among others, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.6.2. The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account, among others, noise, smell, light, visual impact and pollution of the development. Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.6.3. With regard to the potential pollution caused by the development, it is not considered that this would be to a degree that the refusal of the application would be necessary; some aspects of the development would be able to be controlled by appropriately worded conditions. In more detail, with regard to noise, vibration and odour pollution, by nature, a B1 use should not be too harmful to the natural environment. The control of the hours would provide adequate control over these types of pollution in order to not be detrimental to a degree that would render the use harmful to the natural environment.
- 5.6.4. In relation to any potential pollution on the land, a condition requesting any storage of associated items inside the building would be adequate to protect from any pollution of the soil. Light spillage could be controlled via a condition about the external

lighting on site; internal lighting is not anticipated to create a problem but, in any case, the condition about the hours of operation controls this aspect as well.

- 5.6.5. Finally, there is some concern over the provision of foul drainage and the potential water pollution that can be caused by poor arrangements. The application form states that there will be a septic tank and the block plan describes a self-contained sewage treatment plant discharging to watercourse. If this is a septic tank, in terms of best practice for public health and in accordance with current Planning Practice Guidance for Water Supply, Wastewater and Water Quality, septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability). Regardless of this, the only watercourse near the land appears to be over 100m from the site and this creates some concern about how a treatment plant will discharge into it. An appropriately worded condition to require the details of the foul drainage scheme could alleviate these concerns if permission were to be granted.
- 5.6.6. The stipulations of policy D2 of the approved LDP includes the requirement for non-residential development to achieve a minimum of BREEAM 'Very Good' rating or be supported by a bespoke assessment that demonstrates appropriate environmental performance results above current Building Regulations requirements. In this instance it would not be practicable to pursue the current rating on the basis the development is already in place for a number of years and Building Control already controls energy efficiency to a certain degree.
- 5.6.7. It is noted that a small part of the application site – an area at the access track road – is covered by policy N2 of the LDP as a local wildlife site and is part of a designated ancient woodland. Policy N2 of the LDP states that any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. The development is not considered to affect the designated site. The access road is in use by the neighbouring dwelling and was in use when the agricultural business was taking place. Given that HGVs would not be allowed subject to the appropriately worded condition, it is unlikely that a B1 use taking place within 81.1m² could generate enough traffic to cause an adverse effect to the conservation or biodiversity value of the designated site.

5.7. Sustainability

- 5.7.1. Within the NPPF, there is a presumption in favour of sustainable development. This is central to the policy approach in the NPPF, as it sets out the Government's changes to the planning system and emphasizes the need to plan positively for appropriate new development.
- 5.7.2. Paragraph 14 of the NPPF advises that for decision-taking this means, approving development proposals that accord with the development plan without delay, but where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so should significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF

taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

- 5.7.3. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The approved LDP through the pre-amble to policy S1 re-iterates the requirements of the NPPF. The sustainability of the proposal has to be considered in terms of the three dimensions of sustainable development as required by the NPPF.
- 5.7.4. With regard to economic benefits, those have been identified to be in relation to employment generation and provision of flexible employment space in line with the NPPF. Any economic benefits arising from the additional construction or repair works required were only for the short-term. Other economic benefits relate solely to the applicant who may benefit from the use of a cheaper site. In relation to social benefits, those are tight to the employment generation. Finally, turning to environmental considerations, any demonstrable harm is limited to the traffic generation. Potential harm from other aspects of the development can be controlled by appropriately worded conditions. There is some environmental benefit from the reuse of an otherwise derelict farm building. It is considered that the identified benefits of the application outweigh its limited disbenefits and thus the development is considered to be sustainable.

5.8. Other Material Considerations

- 5.8.1. Many comments have been received about the fact that the business operating from the site offers good services and is owned by a local person. This is not a material planning consideration. In any case, the grant of planning permission is considered for the use of the site and not for a particular business or a person.
- 5.8.2. A third party mentioned that an Inspector during a public inquiry or when deciding the appeal determined that a commercial use on this land would be harmful. There is no evidence that an Inspector ever made that comment. In any case, the appeals that were determined at a hearing or public inquiry took place more than ten years ago when planning policies were different. Therefore, even if this comment was made at that time, only limited weight can be attributed to it. In addition, there appears to be no such reference in the appeals for the change of use prior approval applications of 2015.
- 5.8.3. Concerns have been expressed by third parties about the potential of a commercial use to expand without the need for further planning permission by the LPA and the potential impact this could have to the amenity of the neighbouring occupiers. It is considered that the proposed condition offer sufficient control over the use of the land. In any case, as stated before, any use that causes harm to the amenity of the area or the natural environment despite the imposed conditions may not fall within the use class B1. Therefore, any such use would not be controlled by this permission if granted and would be unauthorised development in breach of planning control. It should be noted that the use class B1 by definition is a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

6. **ANY RELEVANT SITE HISTORY**

- **FUL/MAL/94/00119** – Change of use of barn and outbuildings to dwelling and garage, REFUSED 06.04.1994. APPEAL DISMISSED 24.08.1994
- **FUL/MAL/02/00853** – Change of use of barn into holiday accommodation and demolish adjacent barn, REFUSED 02.12.2002 APPEAL DISMISSED 19.08.2003.
- **ENF/MAL/11/00103** – Enforcement Notice for change of use of the barn from agricultural to residential – ISSUED 15.07.2011 EFFECT 15.08.2011
- **LDE/MAL/11/00742** – Claim for a Lawful Development Certificate for existing use of barn, REFUSED 25.10.2011.
- **LDE/MAL/12/00004** – Claim for a Lawful Certificate for existing use of living accommodation, REFUSED 05.04.2012.
- **FUL/MAL/12/01063** – Refurbishment of the existing barns with minor extensions and change of use to residential, REFUSED 06.06.2013 APPEAL DISMISSED 21.11.2013.
- **COUPA/MAL/14/00884** – Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development, REFUSED 13.10.2014.
- **COUPA/MAL/15/00348** – Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development., REFUSED 15.06.2015 APPEAL DISMISSED 19.05.2016.
- **COUPA/MAL/15/00994**– Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development., REFUSED 11.11.2015 APPEAL DISMISSED 27.07.2016.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1. **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council	No response has been received	-

7.2. **Statutory Consultees and Other Organisations (*summarised*)**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection - The proposed use is retrospective and the proposal is for B1 (office) use only. Therefore will be no use by HGV's using the access route which is public footpath FP 4 (Great Braxted).	Noted. See section 5.4 of the report.

7.3. Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Economic Development	Support – the proposal contributes to the economic growth and employment opportunities for the district	Noted. See sections 5.1 and 5.5 of the report
Environmental Health	No objection subject to conditions about foul water drainage, hours of operation, external illumination and operation of machinery outside the building	Noted. See section 5.6 of the report.

7.4. Representations received from Interested Parties (*summarised*)

- 7.4.1. One letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
With regard to the assembly of lighting fixtures taking place on site, at the public hearing in 1994 the Inspector's decision noted that the then proposed use of the barns for manufacturing would have a "devastating effect on the occupants of the farmhouse".	There is no evidence that an application of this nature was ever submitted or refused by the Council or that an Inspector made a comment like this. See also paragraph 5.8.2 of the report
Any industrial activity taking place on site has the potential to expand way beyond the scanty detailed proposal being considered.	Noted. See paragraph 5.8.3 of the report.
The detrimental effects on health and wellbeing and residential amenity of neighbouring occupiers caused by the activities on site have been well documented and accepted by consecutive inspectors. Having any industrial activity will result in further loss of amenity. The attendance of extra staff and vehicles will further impact on the residential amenity.	Noted. See section 5.3 of the report.
This application is a cynical attempt to legitimize the unauthorised use of these buildings in order to avoid enforcement action.	S73 (A) of the 1990 Act makes provision for the submission of planning applications retrospectively.
Previous inspectors have noted the building to be in a non-sustainable situation in open countryside within the SLA.	It is not clear what the SLA stands for. In any case the location and sustainability of the building was previously considered for a residential use. The sustainability of the location for an employment use is

Objection Comment	Officer Response
	considered at section 5.7 of this report.
The complex history of this site shall be taken into consideration and not only this application shall be refused, but the council shall proceed with the necessary and overdue enforcement action.	The site history has been stated in section 6 of this report and has been considered where relevant. The expediency for taking enforcement action for the change of use will be considered as part of the relevant enforcement case unless planning permission is granted.

7.4.2. 12 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Electric king offers valuable services and employment in the local area. They also take on apprentices which really benefits the youth in the area, too. The local businesses put a lot into the local area more so than the large corporations.	Noted. The employment matter is considered at section 5 of the report.
The owner of the company is a local man who you will often see and be able to have a chat with.	Not a material planning consideration
Considering the Government Guidance on National Planning policy, this planning application is in line with the change of use of redundant agricultural buildings.	Noted. See section 5 of the report.
The company has provided a good service.	Not a material planning consideration

8. **PROPOSED CONDITIONS**

- 1 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), premises shall only be used for purposes falling within Use Class B1 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose. **REASON:** In order to ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with policies S1, S8, D1, D2, N2, T1 and T2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.
- 2 The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
 - i. within 3 months of the date of this decision a scheme for foul water treatment shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation;
 - ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the

prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State

- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
- iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable

REASON: In order to ensure the protection of the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.

- 3 The use of the premises hereby approved shall only operate between 07:30 hours and 17:30 hours Mondays to Fridays, 08:00 hours and 15:00 hours on Saturdays and at no time on Sundays, Bank and Public Holidays.

REASON: In order to ensure the protection of the amenities of adjacent occupiers and the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.

- 4 No machinery shall be operated nor shall any process be carried out and no deliveries or collections undertaken at the site other than between 08:00 hours and 17:30 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: In order to ensure the protection of the amenities of adjacent occupiers and the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.

- 5 No machinery shall be used outside the building.

REASON: In order to ensure the protection of the amenities of adjacent occupiers and the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.

- 6 No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed or fitted to any external part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

REASON: In order to ensure the protection of the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.

- 7 No external illumination shall be installed or fitted to any part of the site except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

REASON: In order to ensure the protection of the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.

- 8 No retail or wholesale sales shall operate from the site.
REASON: In order to ensure the protection of the amenities of adjacent occupiers and the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.
- 9 No goods, materials, plant, machinery, skips, containers, packaging or other similar items associated with the use hereby permitted shall be stored or kept outside of the building on site.
REASON: In order to ensure the protection of the amenities of adjacent occupiers and the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.
- 10 No deliveries to or collections from the site shall be undertaken with HGVs or vehicles exceeding 3,500kg of Maximum Authorised Mass (MAM).
REASON: In order to ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with policies S1, S8, D1, D2, N2, T1 and T2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.
- 11 Within three months from the date of this permission, the area marked on the submitted plans as the parking space for four vehicles shall be clearly marked and used only for the parking of vehicles thereafter.
REASON: In order to ensure there is sufficient parking on site in accordance with policies T1 and T2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.

INFORMATIVES

1. The public's rights and ease of passage over Public Footpath No.4 (Great Braxted) shall be maintained free and unobstructed at all times.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford.
CM2 5PU



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
11 JUNE 2018**

Application Number	LBC/MAL/18/00413
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	Structural stabilisation works to buildings 29, 31, 32, 33, 33A and 34 replacement and repair of existing timber windows and doors.
Applicant	The Trustees - Stow Maries Great War Aerodrome Trust
Agent	Mr Daniel Whent - Purcell
Target Decision Date	01.06.2018
Case Officer	Yee Cheung
Parish	COLD NORTON
Reason for Referral to the Committee / Council	The Listed Building Consent has been called in by Cllr White on the grounds of public interest

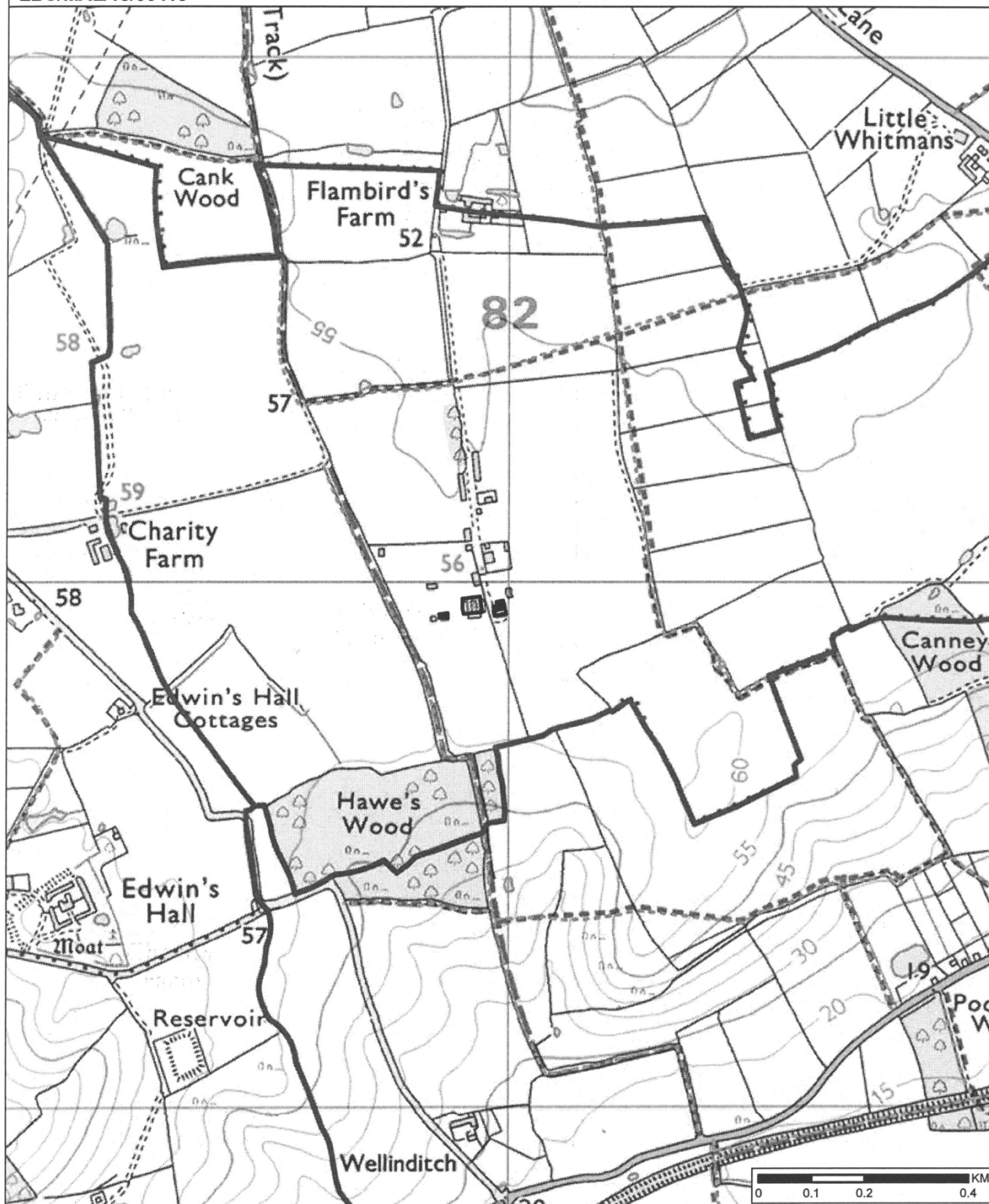
1. RECOMMENDATION

GRANT LISTED BUILDING CONSENT subject to the conditions as detailed in Section 7 of this report.

2. SITE MAP

Please see overleaf.

Officers Mess, Stow Maries Aerodrome, Hackmans Lane, Cold Norton
LBC/MAL/18/00413



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale:	1:10,000
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 18/00413/LBC
Date:	30/05/2018
MSA Number:	100018588

3. SUMMARY

3.1 Proposal

- 3.1.1 The Stow Maries Great War Aerodrome (SMGWA) is located off a private track from Hackmans Lane. The aerodrome is understood to be the most complete WWI aerodrome in Europe, and is therefore of outstanding architectural and historic and significance. The site is also a designated conservation area and twenty-four of the surviving buildings are Grade II* listed.
- 3.1.2 The SMGWA was purchased from the previous private owners in 2013 with funding from the National Heritage Memorial Fund and other local and national government sources. The site is now under the custodianship of Stow Maries Great War Aerodrome Trust and is open to the general public where it runs as a charitable and educational establishment.
- 3.1.3 Listed Building Consent is sought for the structural stabilisation works to buildings 29, 31, 32, 33, 33A and 34 and the replacement and repair of existing timber windows and doors that are located within the Stow Maries Aerodrome complex. The works includes the following:-
- The installation of a reinforced concrete floor and structural steel work to stabilise the external walls to allow temporary propping to be removed to building 29.
 - The installation of a reinforced concrete floor and structural steel work to stabilise the external walls to allow temporary propping to be removed to buildings 31, 32 & 33.
 - To building 33A removal of existing asbestos roof, repair and reconstruction of partially missing section of walls, installation of corrugated cement fibre roofing and installation of structural concrete floor and internal structural support frame.
 - The repair and replacement of decayed timber windows and doors to the officers mess building 34.

3.2 Conclusion

Listed Building Consent is sought for structural stabilisation work proposed to buildings 29, 31, 32, 33, 33A and 34. The works proposed are considered essential for the preservation of these fragile buildings and forms a part of the activities and tourism provided at the aerodrome. The proposal for the buildings has been assessed against relevant planning policies at a local and national level and is considered to be acceptable subject to conditions.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 9, 14, 17, 28, 56, 57, 126, 131

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- S1 - Sustainable Development.
- S7 - Prosperous rural economies.

- S8 - Settlement Boundaries and the Countryside.
- D1 - Design Quality and Built Environment.
- D3 - Conservation and Heritage Assets.
- E5 - Tourism.

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Policy D3 of the LDP states that heritage assets are a finite resource which requires careful management and protection to ensure that they are preserved for the interest and enjoyment of current and future generations. Heritage assets are the cherished and precious reminders of the past, and provide a sense of place, pride, and identity in their locality. The Council places great value on the significance and quality of the historic environment and its ability to promote tourism, commerce, business and a desirable environment to live, work, visit and enjoy. To preserve the history and character of the District, the Council will seek to ensure that heritage assets continue to contribute to our cultural, social and economic life as a beneficial and sustainable resource.
- 5.1.2 Listed Building Consent is sought for structural stabilisation works to buildings 29, 31, 32, 33, 33A and 34 and to replace and repair of existing timber windows and doors. As Stow Maries Aerodrome is an important heritage site which attracts visitors, far and wide, into the District thus contributing to the local economy, the proposal would accord with policy D3 'Conservation and Heritage Assets', subject to other material considerations which will be discussed in the officer report below.

5.2 Impact on the Listed Buildings

- 5.2.1 The aerodrome contains a group listing of 24 buildings. These are Grade II* Listed. Policy D3 of the LDP and the core planning principles and guidance in the NPPF all seek to ensure the protection of heritage assets such as listed buildings, including their settings. This includes considerations such as design and visual impact.
- 5.2.2 The structural stabilisation work, re-instatement of missing roofs, tiles and the replacement of windows and doors proposed to buildings 29, 31, 32, 33 and 33A would not result in harm being caused to the listed buildings.
- 5.2.3 Historic England has assessed the current applications and advised that *the proposed works are primarily to introduce secondary structure to allow removal of temporary propping, structural repair and appropriate reinstatement. The works will allow the buildings to be conserved, and will improve both their appearance and that of the wider aerodrome site, providing a benefit to the public who visit the site and who provide the Trust with their key revenue by way of admission charges. As such, the proposals should be seen as part of the wider project to give Stow Maries a sustainable future.*

- 5.2.4 In policy terms the core planning principle of the NPPF are observed in paragraph 14 and 17 which proposes a presumption in favour of sustainable development, which includes the need to ‘conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations’ (para 17).
- 5.2.5 NPPF paragraph 128 requires the applicant to describe the significance of any heritage assets affected (both designated and non-designated) and that the level of detail should be sufficient to understand the potential impact of the proposal on their significance. As noted above, this has been fully addressed in the documentation accompanying this application. the proposal also accords with paragraph 131 of the NPPF which states that when determining planning applications, account should be taken of ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation’ and, ‘the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.’ As such, the proposal should be recommended for an approval.
- 5.2.6 The Conservation Officer has also assessed the application and advised that the structural stabilisation work proposed to buildings 29, 31, 32, 33 and 33A is considered essential for the preservation of these fragile buildings. The methodology devised has been the subject of numerous discussions between Historic England, the architects and engineers acting on behalf of the Trust, and the conservation officer, and is agreed to represent the least intrusive solution. The external appearance of the buildings will not be altered, and internal steelwork will be concealed by future lining out.
- 5.2.7 Out of all the buildings, it is necessary to dismantle the original internal partitions in Building 33 in order to install the reinforced concrete floor, but all the original joinery from these partitions will be carefully removed and stored for reuse when the partitions are reinstated as part of future work. Meetings have been held between Conservation Officer and the Applicant and it is understood that the intention is to fund the reinstatement of the partitions with funding from the Heritage Lottery Fund (HLF). For this reason, it is not proposed to reinstate the partitions immediately. This raises a potential conflict with paragraph 136 of the NPPF which states:
- Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred*
- 5.2.8 In order to comply with paragraph 136, it is advised that a condition could be used requiring that the partitions and their associated joinery to be reinstated in their original positions within two years of the commencement of the work. The Conservation Officer has relayed this with the Applicant, who has verbally agreed that two years should allow sufficient time to secure the additional funding.
- 5.2.9 It is noted on the submitted plans that the two rooms at the southern end of Building 33 retain original corner fireplaces, which are not shown on the drawings. They will have to be removed in order to install the new floor but should be reinstated as part of the future restoration work. The Conservation Officer has advised that a condition

should be used, requiring that measured drawings and photographs are made of the fireplaces before they are dismantled, to inform their future reinstatement.

- 5.2.10 With regard to the reformation of the missing elements of the roof and walls to Building 33A, these works will restore this building's original form and stabilise its structure. This will represent a clear benefit to the listed building, and will enhance the character and appearance of this part of the conservation area.
- 5.2.11 In relation to the officer mess Building 34, the windows which it is proposed to replace have unfortunately decayed to the extent that they are now beyond salvage, and for this reason, the Conservation Officer has raised no objection to their replacement.
- 5.2.12 The only harmful element of the proposed work is the demolition and reconstruction of the internal partitions and fireplaces to Building 33. The proposal would involve some loss of historic fabric, but is clearly and convincingly justified by the need to stabilise the structure of the building, and the proposed reuse of the joinery elements. The appearance of these parts of the building in their rebuilt state will replicate the original appearance. To use the terminology of the NPPF and Policy D3 of the Maldon LDP, it is advised that the reconstruction of the internal partitions to Building 33 will cause "*less than substantial harm*" to the significance of the heritage asset. The degree of harm in this instance is limited and justified by the public benefit of securing the preservation of the building.
- 5.2.13 Based on the information submitted, it is considered that all of the other works proposed are judged to cause no harm to the significance of the listed buildings or the conservation area. The proposal is therefore in accordance with Section 12 of the NPPF and policy D3 of the LDP.
- 5.2.14 In accordance with sections 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Conservation Officer considers that the proposal would be consistent with this requirement. Further Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Again, the Conservation Officer has considered that this application is consistent with this requirement.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The location of the site outside of a defined settlement means that it is essential for any new development to protect and enhance the character and appearance of the district's landscape in accordance with Policies S1 and S8 of the Local Development Plan (LDP). Policy D1 of the LDP requires any new development to respect and enhance the character and local context and make a positive contribution, the list of criteria includes, amongst other things, (a) architectural style, use of materials, detailed design features and construction methods; (b) Height, size, scale, form, massing and proportion; and (e) historic environment particularly in relation to designated and non-designated heritage assets.

- 5.3.2 The buildings 31, 32, 33, 33A and 34 are currently present on site and the structural stabilisation work proposed is considered essential to preserve these fragile buildings. It is not considered that the result of the works proposed would cause demonstrable harm to the character and appearance of the buildings or the wider landscape setting. Majority of the works proposed would be internal by the installation of reinforced concrete floor and steel framing with the exception of building 33A where it is proposed to re-instate missing roofs and internal walls. For building 34 (officer mess building), the proposal seeks the replacement of existing decayed timber windows and doors which would match what was originally on the building. The visual impact of the development would be negligible. In this respect, it is considered that the proposal would accord with Policy D1 of the LDP as the proposal would preserve and enhance the existing buildings.

5.4 Effect upon Character / Appearance of Conservation Area

- 5.4.1 The entire site of the aerodrome is designated as a conservation area. It is therefore, essential to ensure that any new development, whether of a permanent or temporary nature, protects or enhances the special interest of the conservation area. Policy D3 of the LDP sets requirements in aiming to protect conservation areas as a form of heritage asset and the NPPF equally seeks to protect heritage assets, recognising the importance of their designation.
- 5.4.2 As detailed above, the proposal for the structural stabilisation work proposed is not considered to result in harm to the character and appearance of the locality, given its position of the existing buildings and the nature of the structure. The position of the buildings would be as existing and does not affect important views, landscape features or open spaces in the conservation area, and the design of the building are of traditional appearance. Therefore, it is considered that there is no conflict with the policies aiming to protect the conservation area. The Conservation Officer and Historic England were both consulted regarding this application. Both the Conservation Officer and Historic England have raised no objection to the Listed Building Consent.

5.5 Other Consideration

- 5.5.1 Comments have been noted from Stow Maries Parish Council stating that there are no conditions being proposed or restated about site access / egress or traffic management conditions applicable to either the building itself or to the wider airfield site location of which the buildings forms a part. As this Listed Building Consent only relates to the structural stabilisation works to buildings 29, 31, 32, 33, 33A and 34 replacement and repair of existing timber windows and doors, it would be considered unreasonable and disproportionate to impose conditions that relates to the wider area of the site and especially when the proposal would not affect the site access / egress or traffic management of the airfield.

5.6 Relevant Site History

- **FUL/MAL/09/00050** – Change of use of Buildings 3 & 4 to workshop and ancillary office accommodation (B1 use). Approved 27.05.09.
- **FUL/MAL/09/00237** – Emergency services access way. Approved: 22.05.2009

- **FUL/MAL/09/00239** – Renovation of building 15 for visitor centre & museum including re-roofing. Approved: 26.03.2009
- **FUL/MAL/09/00250** – Re-instatement of airfield and erection of aircraft hanger. Approved: 15.06.2009
- **CON/MAL/09/00251** – Demolition of dwelling and grain store in order to erect 2 no. aircraft hangers. Approved: 22.05.2009
- **FUL/MAL/09/00252** – Conversion of former MT building and cart shed to B1 business use and model flying club accommodation. Approved: 29.05.2009
- **FUL/MAL/09/00300** – Proposed Aircraft Hanger. Approved: 12.06.2009
- **FUL/MAL/09/00413** - Construction of 3 ponds and related access-ways. Approved: 10.07.2009
- **FUL/MAL/09/00696** - Renovation of former pilots ready rooms and erection of 2no. wind socks. Approved: 06.10.2009
- **FUL/MAL/09/00699** - New and replacement huts for WW1 Museum. Approved: 06.10.2009
- **FUL/MAL/11/00429** - Erection of temporary aircraft hangar. Approved: 28.09.2011
- **FUL/MAL/14/00574** - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014
- **LBC/MAL/14/00575** - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014
- **LBC/MAL/15/00830** - Proposed alterations to reinstate the existing brick pier to the West elevation of the MT shed to match the existing adjacent exactly and to install additional wind bracing to the metal rafters of the MT shed to provide lateral support to the roof and the gable walls. Proposed reinstatement of existing slate cat-slide roof to the South end of the West elevation of the RE workshop. Approved: 09.11.2015
- **LBC/MAL/15/00832** - Proposed works for the careful demolition of the existing non-original timber framed and corrugated iron clad cart lodge to the North of the MT Shed. Approved: 09.11.2015
- **FUL/MAL/16/00306** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- **LBC/MAL/16/00307** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- **FUL/MAL16/01142** –Planning application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days. Refused: 27.07.2017

- **LBC/MAL/16/01143** - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Pending Consideration
- **LBC/MAL/16/01155** - Proposed works to the existing officers mess building to carefully remove the existing decayed asbestos roof covering and replace with a profiled cement fibre board to match the existing profile: works to the south elevation to infill existing enlarged openings to install new doors, windows and entrance canopy to reinstate the facade to the original appearance. Approved: 20.12.2016
- **FUL/MAL/17/01071** - Variation of conditions 13 & 14 on approved planning permission FUL/MAL/09/00250 (Re-instatement of airfield and erection of 2 no. aircraft hangers to match former buildings on site). Pending consideration
- **FUL/MAL/17/01120** - Retention of temporary hanger for display, storage and maintenance of historic aircraft. Approved: 10.01.2018
- **LBC/MAL/17/01121** - Retention of temporary hanger for display, storage and maintenance of historic aircraft. Grant Listed Building Consent: 10.01.2018
- **FUL/MAL/17/01456** - Proposed change of use from vacant building to B1 office use, Stabilisation works, replacement metal framed windows and demolition of existing non-original timber framed extension. Approved: 13.02.2018
- **LBC/MAL/17/01457** - Proposed change of use from vacant building to B1 office use, Stabilisation works, replacement metal framed windows and demolition of existing non-original timber framed extension. Grant Listed Building Consent: 13.02.2018
- **FUL/MAL/18/00337** - Removal of conditions 2, 3, 4, 5 & 6 on approved planning permission **FUL/MAL/16/00306** (Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop) – Pending consideration

6. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

6.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Cold Norton Parish Council	No comment on this Listed Building Consent	Noted
Stow Maries Parish Council	No objection to the LBC but no conditions were being proposed or restated about site access / egress or traffic management conditions applicable to either the building itself or to the wider airfield site location of which the buildings forms a part	Noted

6.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Historic England	No objection to the planning application and the Listed Building Consent	Noted

6.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services (EHS)	EHS raised concerns in 2014 about the use of the hanger for maintenance of historic aircraft and the risk of disturbance to the occupiers of Broadacres. However, since planning permission was granted EHS has received no complaints. EHS has therefore no objections to the proposal	Noted
Conservation Officer	No harm to the significance or the setting of the Grade II* listed buildings and the conservation area	Noted in the report

6.4 Representations received from Interested Parties (*summarised*)

6.4.1 No letters of representation have been received at the time of writing this report

7. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
REASON:- To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 236118 001; 236118 100; 236118 103; 236118 109; 236118 110; 236118 203 REV A; 236118 204 REV A; 236118 205 REV A; 236118 215; and 236118 216; 236118 300
REASON:- For the avoidance of doubt as to the extent of this permission.
- 3 Prior to the commencement of any works to building 33, measured drawings and photographs of the two corner fireplaces inside Building 33 shall be

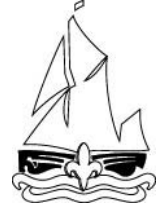
submitted to the Local Planning Authority for approval prior to them being dismantled.

REASON:- In order to ensure the preservation and use of features of historic interest in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework

- 4 The internal partitions, associated joinery and fireplaces to Building 33 shall be reinstated to their original positions entirely replicating the fireplaces surveyed, recorded under the terms submitted of Condition 3 of this consent within 2 years from the date of the commencement of any works to building 33 as hereby approved this Listed Building Consent.

REASON:- In order to ensure the preservation and use of features of historic interest in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework

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**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
11 JUNE 2018**

Application Number	OUT/MAL/18/00540
Location	Land South Of Wheelers Farm, Plains Road, Great Totham
Proposal	Erection of detached dwelling in connection with a rural business
Applicant	Upton Mowers
Agent	Mr, Peter Le Grys – Stanfords
Target Decision Date	28 June 2018
Case Officer	Hilary Baldwin
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call-In: Cllr. John Keyes Reason: Applicant has a business which services the local area.

1. RECOMMENDATION


REFUSE subject to the reasons as detailed within Section 8 of this report.

2. SITE MAP

Please see overleaf.

Land South of Wheelers Farm, Plains Road, Great Totham
OUT/MAL/18/00540



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 18/00540/OUT
	Date:	30/05/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal

- 3.1.1 The application site measures approximately 0.1 Hectares and is located on the eastern side of the track leading to Wheelers Farm which extends north from Plains Road. The application site is outside of the defined settlement boundary of Great Totham North.
- 3.1.2 The application site is currently an agricultural field laid to grass with mature hedgerow boundaries to the track and with a low hedgerow field boundary marking the eastern side of the plot. Access into the field is currently located outside of the red line area.
- 3.1.3 The proposal seeks Outline planning permission with all matters reserved for consideration at a future date for the erection of a detached dwelling which it is proposed is justified by the presence of a rural business.
- 3.1.4 No indicative plans have been submitted with the proposal but a planning statement and confidential accounts of the business have been submitted.

3.2 Conclusion

- 3.2.1 The proposed development of a rural workers dwelling is considered unacceptable in this instance. The proposed development fails to accord with the guidance within the NPPF and policy H7, S1, S8, D1 and H4 of the LDP. The evidence supplied is not considered adequate to sufficiently justify the functional need for a dwelling to be provided at the site. It is not considered that the harm caused by the erection of a dwelling in an unsustainable location is outweighed by the need for a rural workers dwelling.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14, 49 and 59

4.2 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- H4 Effective Use of Land
- H7 Agricultural and Essential Workers Accommodation
- N1 Natural Environment and Biodiversity
- T1 Sustainable Transport

- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (2017) (MDDG)
- Vehicle Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).
- 5.1.2 The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three key dimensions that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental roles. This requirement is carried through to local policies via policy S1 of the approved LDP which emphasises the need for sustainable development.
- 5.1.3 Policy S1 of the Local Development Plan states that "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:
- 2) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations;
 - 3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;
 - 4) Support growth within the environmental limits of the District;
 - 5) Emphasise the importance of high quality design in all developments;
 - 6) Create sustainable communities by retaining and delivering local services and facilities;
 - 12) Maintain the rural character of the District without compromising the identity of its individual settlements;
 - 13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community"
- 5.1.4 The requirement to focus strategic growth to the District's main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that "Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size,

function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”

- 5.1.5 Policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.6 The abovementioned policies are in compliance with the National Planning Policy Framework which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise, such as if there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This is supported by policies H7 and S8 which support agricultural and essential workers accommodation in certain circumstances.
- 5.1.7 Policy H7 of the Maldon District Local Development Plan states that “Permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:
- 1) Evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry, fishery or other commercial equine business-related functional need for a full-time worker in that location;
 - 2) There are no suitable alternative dwellings available, or which could be made available in the area to serve the identified functional need;
 - 3) It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;
 - 4) The size and nature of the proposed structure is commensurate with the needs of the enterprise concerned; and
 - 5) The development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.”
- 5.1.8 It further continues stating that “In addition to the above requirements, where on-site accommodation is essential to support a new agricultural or forestry or other rural business-related enterprise, permission will only be granted in the first instance for a temporary structure which can easily be removed within three years of the date of planning consent. Any further proposals following this period will be considered using the criteria above.” It is therefore considered that the application should be assessed in relation to each of these criteria and in doing so, regard must be had to the planning history of the wider site. Each of these matters will be addressed in turn below:

Relevant Planning History

- 5.1.9 The site subject of this proposal and the nearby site which contains the business function subject of the requirements of this proposal have been subject to a preceding planning application and claim for lawful development certificate respectively.
- 5.1.10 The preceding planning application (16/01228/OUT) was for very similar proposals in that it comprised a proposal for outline consent for a rural workers dwelling to be used in association with the nearby business. The application was refused on two grounds. It is considered pertinent to note those reasons for refusal here:
1. *Policies S2 and H1 of the Maldon District Replacement Local Plan and policies S1 and S8 of the submitted Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is currently undeveloped pasture with a wholly rural and tranquil feel which makes a positive contribution to the character and appearance of the area. The proposed development would urbanise the site and represent an unwelcome visual intrusion into the open and undeveloped countryside. The remote nature of the application site means that future occupiers would be reliant on the private motor vehicle and the proposal is not considered to represent sustainable development. As such, the proposal would be contrary to policies S2, BE1, H1 and CC6 of the adopted Maldon District Replacement Local Plan, policies D1, S1 and H4 of the Maldon District Local Development Plan, and the core planning principles and guidance contained in the National Planning Policy Framework.*
 2. *Planning permission is sought for an essential rural workers dwelling which is justified as a means of increasing security at the site; an essential need for a dwelling in the countryside has not been demonstrated and justification has not been provided why an existing dwelling within the applicant's ownership cannot be occupied by the applicant or why a further dwelling is required. The proposal is therefore contrary to paragraphs 28 and 55 of the National Planning Policy Framework and the aspirations of policy H7 Maldon District Local Development Plan.*
- 5.1.11 Applications for Lawful Development Certificates related (**LDP/MAL/17/00500** and **LDP/MAL/17/01396**) have also been submitted with respect to the associated business on the nearby site. The first application was refused as the Local Planning Authority was not satisfied that sufficient evidence has been submitted to substantiate the claim that on the balance of probability the site indicated in red on the attached plan had been used continuously for the restoration, renovation and maintenance of sports field equipment and similar machinery together with related office and workshops for in excess of ten years.
- 5.1.12 A second application for a Lawful Development Certificate was accompanied by additional evidence in support of the claim and was accordingly deemed lawful and granted.

Full-Time Functional Need

- 5.1.13 To protect the rural nature of the District and encourage sustainable development, the Council's spatial approach is to locate new dwellings within the development boundaries of existing built up areas. However, it is recognised that in some circumstances the demands of farming, forestry, or other rural-based enterprises can make it essential for one or more full-time employees to live at, or very close to, their location of work, this is compliant with the NPPF. Whether this is sufficient grounds to require a dwelling to be erected in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.
- 5.1.14 The activities involved with the rural enterprise include the restoration, renovation and maintenance of sports field machinery; the testing and demonstration of the machinery; the operation of a fleet hire service of sports field equipment; and also the purchasing, restoration and re-sale of second hand equipment. Work is undertaken both at the site and also at sites throughout London and the South East. These activities are not considered to justify that there is an essential need for one or more full-time employees to live at their location of work.
- 5.1.15 It is claimed that the activities taking place together with site security justify the necessity of a dwelling at the site. Whilst the NPPF makes no mention of crime prevention in relation to new rural dwellings, former PPS7 advised that security for a business might contribute to a justification for a rural dwelling but would not be sufficient to fully justify a new house in the countryside; this is considered to be consistent with the principle of this application. In a recent appeal decision at 40 Top Road, Tolleshunt Knights planning permission was sought for the construction of one live/work detached dwelling with associated garaging and off-street parking (appeal reference: APP/X1545/W/15/3136324). In the determination of the appeal the inspector stated that "the intention appears to be to allow residential occupancy at the appeal site in order to improve the security of the adjoining existing business" and then stated that "many businesses in rural areas do not have associated residential occupancy and, whilst I have no reason to doubt the incidence of theft from the existing business, it has not been adequately demonstrated that the issue could not be addressed using other, less harmful, security measures" and little weight was given to improving the security of the existing business. This argument is highly appropriate in the consideration and determination of the current application.
- 5.1.16 It is claimed that an on-site presence is required beyond that required for site security. Paragraph 6.8 of the Planning Statement states that security is an element of the justification but the principle requirement is for accommodation to house a worker for whom it is essential to live on or immediately adjacent to the business. The justification for this is based upon the need to carry out repairs at short notice over any 24 hour period. However, repairs of agricultural machinery, whilst considered vital to end users, are not considered to warrant on-site living. It is an accepted part of employment and business that out of hours calls and weekend requirements may involve personal time and transport to the place of work. It is reasoned that should a piece of agricultural machinery or land management implement fail and transportation to the workshop be required for repair, then it would be reasonable for a relevant worker to also travel to the workshop. Should on site repairs be required, then the relevant worker would be travelling to that site in any case.

- 5.1.17 Whilst the personal circumstances of not travelling to the site may be of benefit to the applicant it is not considered that these requirements are fully justified. As stated within the submission at paragraph 2.2, the site employs a total of 10 persons and therefore the onus of out of hours working requirements being the sole responsibility of the applicant has not been justified.

Available Alternative Dwellings

- 5.1.18 It is important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby. Where there are existing dwellings on the enterprise the need for additional workers to live on the site for the proper functioning of the enterprise usually has to be demonstrated to be essential. Evidence must be provided to demonstrate that there are no other dwellings which are available to meet the need. If there are existing dwellings on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling
- 5.1.19 The application site has been outlined in red and land surrounding the site has been outlined in blue, indicating that the applicant owns this land. Included within the blue line area is the farmhouse associated with Wheelers Farm which is occupied by Mr Upson Snr according to the submitted Planning Statement at paragraph 2.1. It was previously considered that there was no explanation as to why the existing farmhouse could not be used by the applicant to provide the security to the site which was the justification for the preceding proposal.
- 5.1.20 In this respect the applicant has advised that the previous conclusion of the Local Planning Authority was incorrect on the grounds that a) the existing dwelling has a restrictive condition in effect that limits occupation to those people employed in agriculture only and b) the dwelling is unavailable as it is occupied by a retired farmer
- 5.1.21 The relevant condition attached to application **MAL/803/82** states that the occupation of the dwelling shall be limited to persons wholly or mainly employed, or last employed locally in agriculture.
- 5.1.22 Whilst the definition of agriculture at the time of granting that permission (Ref: **MAL/803/82**), may have been restrictive to working with crops, livestock or pasturage, it is clear from approved policy H7 of the LDP and the Framework that this definition has been widened to include scope for a rural worker. As the applicant is claiming the requirement for a dwelling as an essential rural worker, it is deemed that there is already a dwelling directly adjacent to the site. However, it is agreed that it is not appropriate to require a retired rural worker to leave a property and it is noted that the conventional condition has been amended to enable occupation of such dwellings by retired rural workers. In the absence of any information to the contrary, it is considered that it should be accepted that the existing dwelling on the land that is shown to be within the applicant's control is not available.

- 5.1.23 The Planning Statement contends that there are no available dwellings within the vicinity of the site which would suit their family requirements and supporting documentation to this effect has been submitted. However, this list is essentially a list of four bedroom dwellings for sale/rent within a radius of 0.5m of the site. It is stated in the Planning Statement that a site even 0.5 miles away would fail to provide the level of security and operational benefits of living on the site itself.
- 5.1.24 However, as previously stated, it has not been demonstrated that the operational benefits of living near the site for security measures could be addressed through other measures and that the requirements for a three to four bedroom property are for the personal requirements of the applicant.
- 5.1.25 Due to the assessment that is set out above, it is considered that it is not agreed that there is a functional requirement to live at or near the site and therefore the existing dwellings within the vicinity of the site would be adequate to address the needs of the enterprise without recourse to development outside the settlement boundary.

Business Viability

- 5.1.26 The financial statement for the period ending 30 April 2015 has been submitted to accompany the planning application; whilst this statement is identical to that submitted for the preceding application, it is considered to evidence that there is a viable rural enterprise.
- 5.1.27 At the time of the preceding application, there was no formal record of planning permission having been obtained to change the lawful use of the holding or agricultural buildings to a commercial use. However, since that time a claim for a Lawful Development Certificate of Existing use has been submitted to and granted by the local planning authority for the use of the holding.

Size of Dwelling Commensurate with Need

- 5.1.28 The application is outline in nature with all matters reserved for consideration at a later date but it is best practice to provide comment in relation to this criterion. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income of the rural enterprise, are not usually permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate. The applicant has stated that the proposed building is required for providing security for the yard as well as having a direct relationship to the running of the business; on this basis the needs of the enterprise would not require a substantial dwelling. The Planning Statement states that the application is in outline form, but it is envisaged that the resulting dwelling would be a 3-4 bedroom (family) house which would satisfy the needs of the owner or occupier rather than the needs of the enterprise.

Visual Impact

- 5.1.29 The Maldon District, outside of the defined settlement boundaries is predominantly rural in nature and the provision of a dwelling on the site would urbanise it to the detriment of the character of the area. This is discussed further in a subsequent section of this report.

- 5.1.30 The application is outline in nature with all matters reserved for consideration at a later date but it is best practice to provide comment in relation to this criterion. The site is currently an agricultural field which is commensurate with the rural setting of the site and contributes positively to the countryside aesthetic of the area. Any built form within the site is going to change the character and appearance of the site and impact on the area. Any future application would need to be visually low key to minimise the harm caused.

Temporary Dwelling

- 5.1.31 The abovementioned policy sets out that where the enterprise is new and not established, the dwelling should be provided in a temporary form for the first three years. That is clearly not the case here and therefore this requirement is not applicable to this application.

Summary

- 5.1.32 Where the proposal does not accord with the exception policy H7, it is considered that the proposal must be assessed as a conventional dwelling within the countryside. As noted above the site is located outside the settlement boundaries of the District in a remote, isolated location which is poorly served by facilities, services and public transport connections.
- 5.1.33 In light of the above assessment, it is considered that the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. This is reflected in policies T1 and T2 of the Maldon District Local Development Plan. The proposal would therefore be contrary to the guidance contained within the NPPF as well as the aforementioned policies of the local development plan.
- 5.1.34 The Council has an up-to-date development plan which will generally deliver housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 5.1.35 For the reasons stated above, an objection is raised to the principle of the proposed development. The development would be against the objectives of the relevant development plan policies and guidance.

5.2 Housing Mix

- 5.2.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change. The Council will therefore support, by way of approved policy H2 a greater proportion of smaller units to meet the identified needs and demands for such housing.
- 5.2.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. As it comprises of four bedroom dwellings, the proposal's contribution to the District's identified housing need is therefore so limited that its benefits can only be categorized as very minimal in this instance. This does not outweigh the harm caused by inappropriate development in the countryside.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The requirement to ensure high design and inclusive is seen as being of great importance in the NPPF. It is seen as being a key aspect of sustainable development and should establish a strong sense of place to create attractive places to live. It is seen as being;

“indivisible from good planning and should contribute positively to making places better for people.”

- 5.3.2 Approved policy D1 also states that development must respect and enhance the character and local context and make a positive contribution in terms of:
- Architectural style, including materials, design features and innovative design
 - Scale, height, massing and proportion
 - Landscape setting
 - Historic environment particularly in relation to designated assets and:
 - The natural environment
- 5.3.3 Similarly, policy H4 requires development to have regard to the setting of the site and policy S8 requires the protection of the intrinsic beauty of the countryside.
- 5.3.4 The Council has commissioned a Landscape Character Assessment to recognise and protect the visual quality of the wider countryside within the District. As a part of the evidence base that has informed the preparation of the Local Development Plan, the Landscape Character Assessment is considered to be relevant to the determination of this application and can be afforded some weight.
- 5.3.5 The application site is located within the Totham Woodham Farmland Area, as identified within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base for the LDP. This character area covers the wooded eastern hills and slopes above the River Blackwater, which stretches from the sparsely settled Kelvedon Hall Farm area in the north, through Great Braxted and to the Eastern Wood and Captain's Wood in the south. The landform is rolling hills with some steep ridges and the field pattern is irregular, usually following the topography of the land. The scale varies from intimate and enclosed on the higher thickly wooded slopes and ridges, to

medium scale on the lower southern slopes where hedges and hedgerow trees predominate as field boundaries.

- 5.3.6 The application is outline with all matters reserved for consideration at a future date. However, some assessment of the general visual impact of a dwelling at this site can be undertaken. The application site measures approximately 0.1 Hectares (Ha) and is located on the eastern side of the track leading to Wheelers Farm which extends north from Plains Road. The application site is outside of the defined settlement boundary of Great Totham. The application site is currently an agricultural field bound at all of the boundaries by mature hedgerows.
- 5.3.7 The application site is currently located amongst open fields; it has a wholly rural and tranquil feel and makes a positive contribution to the character and appearance of the area. It is considered that the remote and detached nature of the site from other residential development means that a dwelling in this location, with its associated domestic paraphernalia, would urbanise the site and detract from the tranquil and rural landscape setting. However a proposal is advanced through the submission of reserved matters applications, the proposal would inevitably have a harmful effect on the character and appearance of the area. The proposal is therefore contrary to Policies S1, S8, D1 and H4 of the LDP as well as guidance contained within the NPPF.
- 5.3.8 It is noted that rural workers dwellings will inevitably have some visual impact and therefore this impact may be justified by other considerations. However, due to the objections set out above, it is considered that the conflict with policies and the harm caused would not be outweighed by the benefits of providing a rural workers dwelling at the site.

5.4 Effect on amenity of neighbouring occupiers

- 5.4.1 Policies D1, D2 and H4 require consideration of the effect of development on neighbouring amenity and safety.
- 5.4.2 Scale, layout and design are not matters for determination in this application and no illustrative plans have been submitted. However, the site is located at a distance of approximately 75 metres from Rohan House to the southwest of the site and 125 metres from dwellings fronting Plains Road to the south of the site. Therefore, it is considered that it would be possible to be able to design a scheme that did not cause a detrimental impact on the amenity of neighbouring occupiers. Full consideration of this matter would take place at reserved matters stage but it is considered that it is reasonable to assume that a dwelling could be provided at the site without causing harm to the amenities of neighbouring residents.

5.5 Access, Parking and Highway Safety

- 5.5.1 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising four or more bedrooms require a maximum of three parking spaces.
- 5.5.2 Layout and access are not matters for determination in this application and no illustrative plans have been submitted. It is considered that it would be possible to

design a scheme that would not result in a detrimental impact on highways safety, and the Highways Authority have not objected to the outline planning application, in accordance with the criteria of, policy T1 of the LDP or the guidance contained within the NPPF. In addition, it is considered that the site would be able to provide car parking in accordance with the Council's adopted standards. However, full consideration of this matter would take place at reserved matters stage.

5.6 Provision of Amenity Space and Landscaping

- 5.6.1 The Essex Design Guide requires that four bedroom dwellings have a minimum of 100m² of private garden space. Such a provision would be amply met in this instance.
- 5.6.2 Layout and landscaping is not a matter for determination in this application and no illustrative plans have been submitted. It is considered that it would be possible to design a scheme that would provide amenity space in accordance with the Essex Design Guide recommended standards and in accordance with the criteria of policy D1 of the LDP and the guidance contained within the NPPF. In addition, the landscaping of the site could be designed to assimilate the proposal with the surrounding countryside and reduce the visual impact of the development, albeit not to an extent that would outweigh the harm that has been identified above. Conditions can be appended to any grant of permission for tree and hedgerow protection and retention.

6. ANY RELEVANT SITE HISTORY

Site specific applications:

- **OUT/MAL/16/01228** – Erection of detached dwelling in connection with a rural business.
Refused: 19 January 2017

Applications on the adjacent holding:

- **LDP/MAL/17/01396** - Claim for lawful development certificate for existing use of land for the restoration, renovation and maintenance of sports field equipment and similar machinery together with related office and workshops.
Granted: 29 January 2018
- **LDP/MAL/17/00500** – Claim for a Lawful Development Certificate for the existing use of land for the restoration, renovation and maintenance of sports field equipment and similar machinery together with related office and workshops
Refused: 04 July 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to foul and surface water.	Noted.

7.2 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	Although the site is outside of the Great Totham settlement boundaries, this long established rural business provides a successful and important service to the local community. The business deals with high value machinery and the proposed development will add to its greater security. The Council recommends approval.	The comments of the Parish Council are noted, but for the reasons set out above are not agreed with by Officers.

7.3 Representations received from Interested Parties (*summarised*)

- 7.3.1 One letter of support for the application was received and the reasons for support are summarized as set out in the table below:

Supporting Comments	Officer Response
Site has operated in excess of 20 years. No traffic problems, noise or nuisance. The mown field adds to the visual attraction of the site. The new development would not spoil visual views. Location of one worker would reduce transportation requirements. Security would be improved by a nearby worker. A sound rural business which deserves Council support. A single dwelling is a low price to pay for upkeep of the business.	The comments of supporter are noted.

8. REASON FOR REFUSAL

1. The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the

open character of the area and have an unjustified visual impact on the countryside. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location; it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Inadequate evidence has been provided to demonstrate that an essential functional need exists for a rural workers dwelling to be erected at the site and it is therefore considered that the harm identified is not outweighed by other material planning considerations. The proposal is therefore contrary to policies S1, S2, S8, D1, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

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